

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

EASTERN DIVISION

No. 05-10849RGS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

**MEMORANDUM OF LAW IN SUPPORT OF  
DEFENDANT WALTER J. KELLY'S OPPOSITION TO  
PLAINTIFF'S MOTION FOR A PROTECTIVE ORDER**

**AND**

**CROSS-MOTION TO COMPEL PLAINTIFF TO RESPOND TO REQUESTS  
FOR PRODUCTION OF DOCUMENTS**

NOW COMES the Defendant, Walter J. Kelly, ("Kelly"), and opposes the Plaintiff's Motion for a Protective Order and cross-moves to compel the Plaintiff to respond to Defendant's Requests for Production of Documents pursuant to Fed. R. Civ. P. 37. The subpoenas for which the Plaintiff seeks a protective order seek medical records of the Plaintiff that should have been produced by the Plaintiff in response to Defendant's Requests for Production of Documents as they are in her "control" pursuant to Fed. R. Civ. P. 34. These documents are relevant and discoverable pursuant to Fed. R. Civ. P. 26(b)(1) and Defendant is entitled to obtain them whether it be through subpoena, court order, or in response to Defendant's document requests. As grounds in support of this opposition and cross-motion, Defendant submits the following:

**A. BACKGROUND**

**a. The Complaint**

Plaintiff, Helen A. Runge, filed this lawsuit on April 27, 2005 against Walter J. Kelly (“Kelly”), Kerry L. Bloomingdale, M.D. (“Bloomingdale”) and Sunbridge Nursing and Rehabilitation Center (“Sunbridge”). Plaintiff is a ninety-one (91) year-old woman who was a resident of Sunbridge Nursing and Rehabilitation Center (“Sunbridge”) until April 29, 2003. In 2001, Plaintiff contacted Defendant Kelly to provide her with legal assistance as a result of her decision to and in preparation of entering into Marion Manor. Plaintiff alleges that at about this time, Defendant Kelly drafted paperwork that would make himself her power of attorney and her medical power of attorney, either unknown to Runge or without her fully understanding his actions.

The Plaintiff moved from Marion Manor to Bayview Assisted Living in November of 2002, and then to Defendant Sunbridge. While in these facilities, Plaintiff claims that things were being stolen from her. She also alleges that Defendant Kelly knew of these facts, but failed to act on behalf of the Plaintiff. In January of 2003, while at Bayview, Plaintiff accused staff of rummaging through her belongings allegedly with the intent to steal, and contacted the police. She was taken to Carney Hospital for psychiatric evaluation. Upon discharge she was moved to Defendant Sunbridge.

Plaintiff contends that Defendant Sunbridge compelled her to take anti-psychotic medications that were not necessary. She also contends that Defendants Kelly and Sunbridge conspired with Dr. Bloomingdale and instructed Dr. Bloomingdale to render an opinion that the Plaintiff was not mentally competent. Dr. Bloomingdale concluded

that the Plaintiff suffers from Alzheimer's dementia with paranoid delusions. However, Plaintiff contends that she was competent when she revoked Defendant Kelly's power of attorney and appointed her daughter and son-in-law as her new power of attorney and healthcare proxy. Therefore, the Plaintiff's mental competency is the heart of the controversy.

**b. Discovery Thus Far**

**1. Plaintiff's Answers to Interrogatories**

Plaintiff initially provided unsigned Answers to Interrogatories on August 23, 2006. [See Answers to Interrogatories, attached as Exhibit A]. After a conference with Plaintiff's counsel regarding the unsigned interrogatories, Plaintiff's counsel provided a "verification" of discovery responses by Gilbert Stanley, Plaintiff's purported Power of Attorney. [See "Verification" attached as Exhibit B]. Again, Defendant's counsel requested that Plaintiff herself sign her purported Answers to Interrogatories, or that Plaintiff's counsel at least advise Defendant's counsel that Plaintiff is unable. Defendant filed a motion to compel the plaintiff to provide signed interrogatories. Plaintiff then provided Answers to Interrogatories purportedly signed by the Plaintiff on 10/10/06. [See Exhibit A]. Plaintiff's counsel never made an affirmative statement whether or not the Plaintiff was competent.

**2. Plaintiff's Mental Status**

The Defendant moved this Honorable Court to Compel the Plaintiff to submit to psychiatric evaluation. In opposition, Plaintiff argued that Defendant could go down to North Carolina and depose the Plaintiff and determine her status without the need of an independent evaluation. On 10/17/06, the Court denied Defendant's motion without

prejudice, to be re-filed following the deposition. On 11/15/06, the Defendant deposed the Plaintiff at the home of her daughter and son-in-law, Dorothy and Gilbert Stanley, in North Carolina. The Plaintiff has been living in North Carolina since she was forcibly removed from the Sunbridge facility on 4/29/03. The Plaintiff was clearly incompetent, unaware of the date, month, and in which state she lived, and had no idea that this lawsuit existed. [See attached Depositions Transcript, Exhibit C]. An excerpt from her deposition obviates the question of her mental condition:

Q Have you ever been involved in any lawsuit?  
 A. What do you want –and a lawsuit, you know, something about me?  
 Q No. Have you ever been involved in a lawsuit, a party to a lawsuit?  
 A Hospital?  
 Q No. Have you ever been involved in a lawsuit?  
 A No, no. Never in my life. This is all shaky to me.

[Exhibit C, p. 8, lines 14-22]

Q Do you know what state you are living in right now?  
 A I know where I am.  
 Q What state are you living in?  
 A Massachusetts

[Exhibit C, p. 9, lines 5-8]

Of significance, Plaintiff stated that she had never seen her Answers to Interrogatories. [Exhibit C, p. 5, lines 24-25 through p. 6, lines 1-4, and Ex. 5]. She also stated that she did not know Walter Kelly or that she is suing him. [Exhibit C, p. 4-5, lines 1-7].

### **3. Requests for Production of Documents Nos. 14 and 15**

On May 12, 2006, Defendants served upon the Plaintiff Requests for Production of Documents. [See Requests for Production of Documents, attached as Exhibit D].

The Requests at issue in this motion are the following:

REQUEST NO. 14:

Any and all documents related to the plaintiff's residence and/or care at any nursing homes and/or assisted living facilities.

REQUEST NO. 15:

All surgical records, hospital records, medical records, nursing home records, assisted living facility records, psychological records, mental health records, X-rays, radiographic films, or any other records or materials related to any diagnostic or treatment tests or procedures, bills, invoices, writings, notes, or memoranda relating to all of the plaintiff's physical, medical or mental conditions, illnesses or disabilities, including but not limited to those doctors, nurses, practitioners, hospitals, clinics, institutions, or other health care providers or third party private or governmental health or accident insurers, without regard to whether it is the plaintiff's contention that such physical, medical or mental conditions, illnesses, or disabilities were caused in any way by the defendant or any agent or employee of the defendant for the years 1995 to the present.

The Plaintiff did not respond to Defendant Kelly's document request until August 23, 2006. In response, Plaintiff made no specific objections to Requests 14 and 15, and merely stated: "Documents responsive to this Request in possession of Runge are attached." Plaintiff produced minimal medical records in response to Requests 14 and 15. [See Response to Requests for Production of Documents, Exhibit E]<sup>1</sup> The minimal records produced were in no semblance of an order, and were clearly not complete given the number of medical providers Plaintiff disclosed in her Answers to Interrogatories and Initial Disclosures. [See Exhibit A].

Plaintiff provided Supplemental Responses on November 10, 2006. [See Supplemental Responses, Exhibit F]<sup>2</sup> In response to Requests 14 and 15, plaintiff produced medical records from White Oak Manor and St. Lukes Hospital and various Massachusetts providers. The response was clearly incomplete and records from varying providers were intermingled. In fact, Plaintiff's counsel admits that the records produced

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<sup>1</sup> Defendant Kelly attaches only the records produced by Plaintiff in Response to Defendant Kelly's Requests that are related to the plaintiff's medical treatment in order to keep the bulk of exhibits down to a minimum.

<sup>2</sup> Defendant Kelly does not attach the records as it is too large to electronically file.

were not complete. [See E-mail from Attorney Dean, Exhibit G]. The response did not comply with the requirement of Fed. R. Civ. P. 34, that the records be produced as they are kept in the usual course of business or that they be organized and labeled to respond to the category in the request. Moreover, we know that Plaintiff treated with other providers and/or resided at additional facilities including the following: Black Mountain Center, Dr. Rhett Myers, Dr. Robert Palmer, Laurel Woods, Dr. George Kim, and Dr. Peter Nidenbach. [See Exhibit A]. Defendant Kelly sent subpoenas to obtain the records from these providers. The records of Dr. Myers have been received and copies have been provided to all counsel. Black Mountain Center objected to the subpoena stating that they required a release from the Plaintiff. The remainder of medical providers with whom the Plaintiff treated while a resident of North Carolina have been subpoenaed, but those subpoenas are the subject of Plaintiff's current motion for a protective order, as discussed below.

#### **4. Defendants' Subpoenas of Plaintiff's Medical Records**

The discovery deadline in this matter was December 22, 2006. On November 22, 2006, Defendant Kelly first sent eight (8) subpoenas to the Polk County Sheriff's Office for service upon the following medical providers:

1. Robert M. Palmer, M.D., Tryon Medical Group, P.A., 25 Shields Drive, Tryon, NC 28782;
2. White Oak Manor (Benson Hall Assisted Living Facility), 70 Oak Street, Tryon, NC 28782;
3. White Oak Manor (Nursing Facility), 70 Oak Street, Tryon, NC;
4. LaurelWoods Assisted Living, 1062 & 1064 W. Mills Street, Columbus, NC 28722;
5. Dr. George Kim, 2536 Lynn Road, Suite B, Tryon, NC 28782;

6. Dr. Peter Nidenbach, Laurellyn Medical Group, 37 Wilderness Road, Tryon, NC 28782;
7. St. Luke's Hospital, 101 Hospital Drive, Columbus, NC 28722; and
8. St. Luke's Skilled Nursing Facility, Dr. George Kim, 101 Hospital Drive, Columbus, NC 28722.

[See Exhibit H]. Plaintiff treated with each of these providers after being removed from Defendant Sunbridge's facility. All counsel were copied on the letter to the Sheriff and received copies of the subpoenas at that time. [Exhibit H, letter to the Sheriff].

On November 29, 2006, Plaintiff's counsel sent letters of objection for each of the eight (8) subpoenas to counsel for Defendant Kelly on the purported grounds that the dates "arbitrarily set" conflicted with counsel's schedule and that the subpoenas were unenforceable. [See Exhibit I, letters from Attorney Dean]. Counsel for Defendant Kelly, Michele Carlucci, contacted counsel for the Plaintiff, Andrea Dean, and left a message stating that Defendant did not expect the keepers of records to appear for deposition, but rather to send records in lieu of attending, as indicated on the subpoenas. [See Affidavit of Michele Carlucci, attached as Exhibit J, ¶3]. Defendant Kelly's counsel specifically stated in the message that if Plaintiff's counsel continued to object to the subpoenas, that she should contact Attorney Carlucci. [Exhibit J, ¶3]. Defendant Kelly's counsel did not hear back from plaintiff's counsel. [Exhibit J, ¶3].

On January 8, 2007, Defendant Kelly's counsel received a phone call from Polk County Sheriff's Office informing counsel that the subject eight (8) subpoenas had not yet been served due to a change in administration in the Sheriff's Office. [Exhibit J, ¶4] Literally, there was a new Sheriff in town, and the subpoenas had fallen through the cracks. Because the dates for the subpoenas had passed, Defendant's counsel prepared

new subpoenas and re-sent them to the Sheriff's Office for service. [Exhibit J, ¶5]. Prior to filing Plaintiff's Motion for a Protective Order, Plaintiff was aware of the Sheriff's failure to timely serve the subject subpoenas. [Exhibit J, ¶6].

## **B. ARGUMENT**

From the very onset of this case, Plaintiff's counsel has attempted to prevent discovery of the Plaintiff's mental condition after she was removed from Defendant Sunbridge in Massachusetts. Plaintiff's medical records prior to her removal contain diagnoses of dementia and paranoid delusions. Plaintiff's deposition took place approximately one (1) month after she purportedly signed answers to interrogatories. Her level of dementia and other incapacity exhibited at her deposition raises questions of her capacity to sign interrogatories only about one month prior to her deposition, or to even bring this lawsuit. It is distressing that this case has been prosecuted in the name of a person who clearly lacks capacity and who has been allowed to sign interrogatories in this condition. Indeed, the candor owed to this Court and defense counsel has been lacking on the issue of Plaintiff's "capacity."

In any event, Plaintiff's medical records can shed light on the question of her mental state in the time between her removal from Sunbridge (4/29/03) and the date of her deposition (11/15/06). Prior to Plaintiff's removal from Sunbridge, Dr. Bloomingdale concluded that the Plaintiff suffers from Alzheimer's dementia with paranoid delusions. [See Report of Dr. Bloomingdale, attached as Exhibit K]. Even before Dr. Bloomingdale's report, back in February of 2000, Plaintiff's medical records reveal that she suffered paranoid delusions. [Exhibit K]. However, Plaintiff contends that she was competent when she revoked Defendant Kelly's power of attorney and appointed her



daughter and son-in-law as her new power of attorney and healthcare proxy. Plaintiffs argue that Plaintiff was evaluated and deemed competent upon arrival in North Carolina. However, plaintiff's prior medical records from Massachusetts and portions of plaintiff's medical records for treatment in October of 2003 (at St. Lukes) raise questions of the validity of that evaluation. [See portion of record from St. Lukes produced by the Plaintiff in Supplemental Response to Requests for Production of Documents, attached as Exhibit L]. Therefore, a complete set of Plaintiff's medical records is crucial to the defense of this matter.

**a. Defendant's Subpoenas Should Stand**

Defendants' ability to defend themselves in this matter should not be thwarted by the Sheriff's failure to serve the subpoenas which were first sent prior to the discovery deadline. Plaintiff also argues that the subpoenas require the deponents to travel to Massachusetts and therefore create an undue burden and expense for the deponents. However, the subpoenas allow the deponents to send certified records in lieu of appearance. More importantly, Defendant Kelly has not received any objection from the medical providers – the actual recipients of the subpoenas. [Exhibit J, ¶7]. Moreover, On January 26, 2007, Defendant Kelly already received records in response to the subpoenas from St. Luke's Hospital. [Exhibit J, ¶8]. Defendant's counsel informed Plaintiff's counsel of receipt of these records prior to Plaintiff's filing of this motion. [Exhibit J, ¶8. See also, Exhibit G, E-mail]. Plaintiff also argues that Defendant Kelly has not provided notice of the subpoenas pursuant to the Health Insurance Portability and Accountability Act. However, Plaintiff cannot argue that she was not provided with notice of these subpoenas in time to object, as she first received notice of Defendant's

intent to subpoena these records back in November of 2007 – approximately two months before the subpoenas were actually served.

In an effort to reach an amicable resolution of this discovery dispute, Defendant has reminded Plaintiff that the records sought through these subpoenas should have been provided pursuant to Rule 34 and in response to Defendants' Requests for Production of Documents. [Exhibit J, ¶9]. Defendant's counsel requested releases from the Plaintiff to obtain these records, but Plaintiff refused. [Exhibit J, ¶9]. Through Plaintiff's motion for a protective order and refusal to comply with Rule 34, Plaintiff attempts to blockade Defendant's every avenue to obtain relevant and discoverable records related to Plaintiff's medical treatment and mental state.

**b. Plaintiff Has Failed to Provide a Complete Response to Defendant's Request for Production of Documents.**

Plaintiff has asserted that Plaintiff's medical records for treatment need not be produced in response to Defendant Kelly's Requests for Production of Documents because they are not in the plaintiff's possession, custody or control. Counsel expressed that the plaintiff did not have these records in her physical possession and did not have a duty to obtain them when Defendant Kelly can obtain them himself. Plaintiff knows full well that several medical providers have required releases from the Plaintiff before sending records to Defendant. In fact, Plaintiff has previously provided releases for certain Massachusetts medical providers, but refuses to do so for the North Carolina and South Carolina providers. Moreover, Black Mountain Center of North Carolina has

objected and requested a release from the Plaintiff stating that North Carolina laws are more stringent than HIPAA.<sup>3</sup>

The records are in fact in the Plaintiff's control and she has a duty to produce them. "Control" for purposes of Fed. R. Civ. P. 34(a) is established where, although the party does not have physical possession of the requested documents, she has the legal right to obtain them. See Rosie D. v. Mitt Romney, et al., 256 F. Supp. 2d 115 (D. Mass. 2003); Calzaturificio v. Fabiano Shoe Company, Inc., 201 F.R.D. 33, 38-39 (D. Mass. 2001) ("Control is defined not only as possession, but as the legal right to obtain the documents requested upon demand.")(citations and internal quotation marks omitted); Haseotes v. Abacab Int'l Computers, Inc., 120 F.R.D. 12, 14 (D. Mass. 1988) ("A party has 'control' over a document if that party has a legal right to obtain those documents."). See also Alexander v. FBI, 194 F.R.D. 299, 301-02 (D.D.C. 2000); 18 Wright & Miller, Federal Practice & Procedure, §220; 4A Moore's Federal Practice, §35.17.

In an effort to save the plaintiff the cost of requesting copies of her own medical records, Defendant has requested authorizations so that Defendant Kelly may obtain them. Plaintiff refused to provide authorizations maintaining that the records are not relevant because they represent treatment received after plaintiff moved from Massachusetts to North Carolina, and after the alleged conduct which is the subject of Plaintiff's Complaint. However, curiously enough, Plaintiff already provided a portion of these records (i.e., White Oak Manor and St. Lukes). Moreover, these records are relevant to the extent they comment on her medical history as well as her current medical/mental condition, as argued above. Her current medical state is, among other

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<sup>3</sup> The subpoena sent to Black Mountain Center was not one of the subpoenas sent to the Polk County Sheriff's Office to which the Plaintiff now objects.

things, relevant to show her capacity to prosecute this matter. Moreover, Plaintiff has both conceded that her mental condition is in controversy and asserted claims for negligent and intentional infliction of emotional distress. [See Plaintiff's Complaint, Count X and XI]. Plaintiff's medical records would shed light on the so-called distress and her mental and physical state. Regardless, Rule 26(b) allows Defendant to "obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party.... Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence." Fed. R. Civ. P. 26(b)(1).

The district court has the authority to order plaintiff to execute releases in order to obtain documents which she has a legal right to possess. See United States ex rel. Woodard v. Tynan, 776 F.2d 250 (1985). Therefore the Court should order the Plaintiff to provide complete certified copies of her records, or releases so that the Defendants may obtain them. A denial of Plaintiff's Motion for a Protective Order alone may require the Court to revisit this issue at a later date given that at least one provider (not the subject of the Motion for the Protective Order) has requested an executed authorization from the Plaintiff.

WHEREFORE, the Defendant, Walter J. Kelly, respectfully requests that this Honorable Court deny Plaintiff's Motion for a Protective Order and allow Defendant's Motion to Compel Plaintiff to provide complete responses to Requests for Production of Documents Nos. 14 and 15, whether it be through a release or production of certified copies of her complete medical records.

Dated: January 30, 2007

The Defendant,

Walter J. Kelly,  
By his attorneys,

s/ Michele Carlucci

George C. Rockas, BBO #544009  
Michele Carlucci, BBO #655211  
WILSON ELSEER MOSKOWITZ  
EDELMAN & DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5400

**CERTIFICATE OF SERVICE**

I, Michele Carlucci, certify that on January 30, 2007 I have served, by electronic filing (with exhibits) and regular first class mail (without exhibits), a copy of the following:

1. Defendant Walter J. Kelly's Memorandum in Support of Opposition to Plaintiff's Motion for a Protective Order and Cross-Motion to Compel the Plaintiff to Respond to Requests for Production of Documents.

to all counsel of record:

James S. Hamrock, Esq.  
Hamrock & Tocci  
101 Main Street, 18<sup>th</sup> Floor  
Cambridge, MA 02142

Blake J. Godbout, Esq.  
Blake J. Godbout & Associates  
33 Broad Street, 11th Floor  
Boston, MA 02109

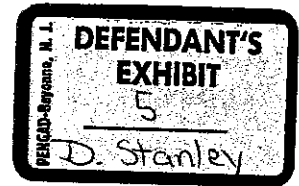
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s/ Michele Carlucci  
Michele Carlucci

0-23-06

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS



HELEN A. RUNGE,	:	
Plaintiff	:	
	:	No. 05-10849-RGS
v.	:	(Judge Stearns)
	:	
WALTER J. KELLY, et al.,	:	CIVIL ACTION
Defendants	:	JURY TRIAL DEMANDED

PLAINTIFF HELEN RUNGE'S RESPONSE TO DEFENDANT  
WALTER J. KELLY'S FIRST SET OF INTERROGATORIES

Plaintiff Helen Runge hereby response to Defendant Walter J. Kelly's First Set of Interrogatories as follows:

GENERAL OBJECTIONS

1. Runge objects to the Interrogatories to the extent that they impose a greater obligation than that required by Rules 26 and 33 of the Federal Rules of Civil Procedure. Runge will respond and assert objections consistent with its obligations under such rules and expressly declines to undertake any broader obligations.
2. Runge objects to the Interrogatories to the extent they exceed the scope of Rule 33 of the Federal Rules of Civil Procedure and seek information that must be sought instead through other Federal Rules of Civil Procedure.
3. Runge objects to the Interrogatories to the extent that they call for the disclosure of:
  - (a) information developed, acquired or prepared in anticipation of litigation or which otherwise constitutes attorney work product;
  - (b) mental impressions, conclusions, opinions or legal theories of legal counsel;

- (c) privileged attorney-client communications; or,
- (d) information otherwise protected as privileged under state or federal statutory, constitutional or common law.

4. Runge objects to the Interrogatories to the extent that they call for the disclosure of information already in the possession of Kelly.

5. Runge objects to the Interrogatories to the extent that they are vague, overly broad, ambiguous, repetitive, and/or fail to identify the information sought with reasonable particularity.

6. Runge objects to the Interrogatories to the extent that they seek information that is not relevant to the subject matter of this lawsuit, not reasonably calculated to lead to the discovery of admissible evidence or otherwise not subject to discovery.

7. By responding to these Interrogatories, Runge does not concede the admissibility of any statement made herein.

8. Runge reserves the right to supplement or amend her responses to the Interrogatories if further information becomes available.

#### SPECIFIC RESPONSES AND OBJECTIONS

The General Objections set forth above apply to all individual numbered Requests, and Runge hereby incorporates each of those General Objections by reference into her responses to each of the individual Requests. Any additional objections stated in the following responses are expressly made in addition to, and not in lieu of, the General Objections and for the purpose of setting forth, where appropriate, Runge's specific position as to Kelly's Requests.



ANSWERS

1. Please identify yourself fully, giving your full name, social security number and address.

**Response:**

**Helen Anne Runge  
5 Stirrup Downs  
Columbus, NC 28722;  
Social Security No. 023-05-1066.**

2. Please state the name, business address, occupation and specialty of each person you expect may be called by you as an expert witness at the trial of this action, setting forth:

- a) the subject matter on which each person may be expected to testify;
- b) the substance of all facts upon which each person may be expected to testify;
- c) the contents of all facts about which each person may be expected to testify; and
- d) a summary of the grounds for each such opinion and the substance of all facts on which such opinions are based.

**Response:** It is premature for Runge to name any expert witnesses. Runge reserves the right to supplement this Response as discovery is deemed ongoing.

3. Please describe fully and in complete and itemized detail all injuries or damages that you claim you suffered as a result of Defendant's alleged conduct.

**Response:** Runge claims she has suffered emotional trauma and distress, including but not limited to depression, anxiety, and humiliation. Runge also claims she has suffered from not receiving proper medical care while residing at Sunbridge Nursing and Rehabilitation Center (Defendant "Sunbridge"), including but not limited to not receiving care necessary by a dentist, podiatrist, ophthalmologist,

audiologist, and dermatologist, and being inappropriately and/or overly medicated. Runge claims any and all costs, including but not limited to expert witness fees, reasonable attorneys' fees, and those costs and attorneys' fees incurred in defending or otherwise contesting the ex parte petition that Kelly filed seeking to have himself appointed as guardian of Runge; fees or bills paid improperly by Kelly on Runge's behalf; travel expenses to and from North Carolina; medical costs Runge incurred in North Carolina; and compensatory and exemplary punitive damages.

4. Please list each medical care provider, including in your answer the dates of treatment, the type of treatment and the address of the provider, with whom you have treated from 1995 to the present.

Response: Subject to the above General Objections and without waiving these objections, Runge answers this Interrogatory for the time period relevant to Runge's Complaint.

Medical records from the providers listed below contain the information requested in Interrogatory No. 4. See the attached documents in the possession of Runge, which speak for themselves (Attachment A).

- a) Marian Manor  
130 Dorchester Street  
South Boston, MA 02127;

Dates of treatment: July 2001 to November 2002;

- b) Bayview Assisted Living  
1380 Columbia Road  
Boston, MA 02127

Dates of treatment: November 2002 to November 2003;

- c) Carney Hospital  
Ronald F. Gomes, M.D.  
Gary L. Taylor, M.D.  
Lilia Feinberg, M.D.  
Sean P. Marker, M.D.  
Benjamin J. Kerman, M.D.  
2100 Dorchester Avenue

Boston, MA 02124-5666

Dates of treatment: January 11, 2003 to January 22, 2003;

- d) Sunbridge Nursing and Rehabilitation Center  
49 Thomas Patten Drive  
Randolph, MA 02368

Dates of treatment: January 2003 through April 30, 2003;

- e) Kerry L. Bloomingdale, M.D.  
(Defendant "Bloomingdale")  
592 Quinobequin Road  
Waban, MA 02468

Dates of alleged treatment: April 29, 2003;

- f) B. Rhett Myers, M.D.  
15 South Main Street, Suite 502  
Greenville, SC 29601

Dates of treatment: May 30, 2003;

- g) Robert M. Palmer, M.D.  
Tryon Medical Group, P.A.  
25 Shields Drive  
Tryon, NC 28782

Dates of treatment: May 7, 2003; July 25, 2003; November 5, 2003;  
November 7, 2003;

- h) Han W. Dong, M.D.  
155 Old Town Way  
Hanover, MA 02339

Dates of treatment: February 25, 2003;

- i) Blue Ridge Laser Eye Associates  
192 Hospital Lane  
Columbus, NC 28722

Dates of treatment: June 4, 2003; October 3, 2003;  
November 12, 2003; November 19, 2003;

- j) Jerry L. Gross, D.P.M.  
Foot and Ankle Center of the Carolinas, P.A.  
279 Shiloh Road  
Forest City, NC 20843

Dates of treatment: November 12, 2003; December 18, 2003;

- k) David A. Wagner, D.M.D.  
PO Box 275  
Columbus, NC 28722

Dates of treatment: September 3, 2003;

- l) White Oak Manor (Benson Hall Assisted Living Facility)  
70 Oak Street  
Tryon, NC 28782

Dates of treatment: April 2, 2004 to December 31, 2004;

- m) White Oak Manor (Nursing Facility)  
70 Oak Street  
Tryon, NC 28782

Dates of treatment: January 4, 2005 to June 3, 2005;

- n) Black Mountain Center (Greenwood Inn Respite Center)  
932 Old U.S. Highway 70  
Black Mountain, NC 28711

Dates of treatment: Approximately three days in July 2005;  
Approximately one week in July 2006;

- o) LaurelWoods Assisted Living  
1062 & 1064 W. Mills St.  
Columbus, NC 28722

Dates of treatment: July 28, 2003 to August 17, 2003;

- p) Dr. George Kim  
2536 Lynn Road, Suite B  
Tryon, NC 28782

Dates of treatment: Intermittent, beginning the middle of 2005;

- q) Dr. Peter Neidenbach  
Laurellyn Medical Group  
37 Wilderness Road  
Tryon, NC 28782

Dates of treatment: June 13, 2003;

- r) Richards Hearing Aid Center  
POB 98  
1521 E. Rutherford Road  
Landrum, SC 29356

Dates of treatment: May 6, 2003;

- s) St. Luke's Hospital  
Dr. Robert Ratcliff  
Dr. Edwin Padget  
Dr. George Kim  
101 Hospital Drive  
Columbus, NC 28722

Dates of treatment: October 7, 2003 to October 27, 2003;  
December 31, 2004 to January 4, 2005; and December 1, 2005 to  
December 7, 2005;

- t) St. Luke's Skilled Nursing Facility  
Dr. George Kim  
101 Hospital Drive  
Columbus, NC 28722

Dates of treatment: December 7, 2005 to January 3, 2006.

5. Please list each hospital, nursing home and assisted living facility in which you stayed or were admitted at any time. Include in your answer the dates of your stay, residence or admittance and departure, the reasons for your stay and the reasons why you left.

Response:

- a) Marian Manor  
130 Dorchester Street  
South Boston, MA 02127;

Dates of stay: July 2001 to November 2002; Runge was a resident, and chose to move to Bayview Assisted Living.

- b) Bayview Assisted Living  
1380 Columbia Road  
Boston, MA 02127;

Dates of stay: November 2002 to January 2003; Runge was a resident prior to the admission to Carney Hospital.

- c) Carney Hospital  
2100 Dorchester Avenue  
Boston, MA 02124-5666;

Dates of admission: January 11, 2003 to January 22, 2003; Runge was admitted to Carney Hospital after Kelly requested Runge be admitted for psychiatric evaluation. Runge was discharged after being found to be not psychotic.

- d) Sunbridge Nursing and Rehabilitation Center  
49 Thomas Patten Drive  
Randolph, MA 02368;

Dates of stay: January 2003 through April 2003; Runge was discharged from Carney Hospital to Sunbridge against her wishes. Runge then chose to move to North Carolina.

- e) White Oak Manor  
70 Oak Street  
Tryon, NC 28782;

Dates of stay: January 4, 2005 to June 3, 2005; Runge's stay was a medical necessity;

- f) White Oak Manor (Benson Hall Assisted Living Facility)  
70 Oak Street  
Tryon, NC 28782;

Dates of stay: April 2, 2004 to December 31, 2004; Runge's stay was a medical necessity;

- g) Black Mountain Center (Greenwood Inn Respite Center)  
932 Old U.S. Highway 70  
Black Mountain, NC 28711;

Dates of stay: Approximately three days in July 2005; approximately one week in July 2006; Runge's temporary stays were for convenience;

- h) LaurelWoods Assisted Living  
1062 W. Mills St.  
Columbus, NC 28722;

Dates of stay: July 28, 2003 to August 17, 2003; Runge's stay was for convenience;

- i) St. Luke's Hospital  
101 Hospital Drive  
Columbus, NC 28722

Dates of treatment: October 7, 2003 to October 27, 2003; December 31, 2004 to January 4, 2005; and December 1, 2005 to December 7, 2005; Runge's stays were medical necessities;

- j) St. Luke's Skilled Nursing Facility  
101 Hospital Drive  
Columbus, NC 28722

Dates of treatment: December 7, 2005 to January 3, 2006; Runge's stay was a medical necessity.

6. Please state fully and in complete detail all that you allege Defendant did or failed to do that caused you harm or damages.

Response: Kelly misrepresented his relationship with Runge's former attorney to Runge. Kelly made himself Runge's power of attorney and medical power of attorney unknown to Runge or without her fully understanding his actions. Kelly made himself Runge's primary point of contact for health problems when Runge moved into Marion Manor, usurping Runge's daughter's position of authority with little or no contact with Runge's family. Kelly using color of law misrepresented himself to Runge as being able to act on her behalf. Kelly failed to act on Runge's behalf as exemplified when Runge's prescription card was stolen while she was a resident at Bayview Assisted Living. Kelly directed that Runge be

taken to Carney Hospital for a psychiatric evaluation even though he had no substantiation for the need of such evaluation. Kelly, as a fiduciary, misrepresented facts to Runge in order that she be held at Carney Hospital. Runge overheard Kelly saying she was "mental" to a staff member before she left Bayview. Contrary to Kelly's representation that he would undertake fiduciary powers on Runge's behalf, Kelly did not faithfully fulfill his fiduciary obligations on Runge's behalf. Kelly did charge Runge for his professional services for purportedly the time he was acting on her behalf. Kelly directed that Runge be taken to and admitted in Sunbridge. Kelly had a professional relationship with Sunbridge as other elderly clients had been or were residents there. Kelly falsely advised Runge that she could not return to Bayview. Kelly did not present her with any option other than Sunbridge, and did not discuss this decision with Runge or her daughter. Kelly failed to properly advise Runge regarding the implications of her signing the admission paperwork for Sunbridge. Kelly facilitated Runge's admission to Sunbridge knowing she had no desire to be at the facility. Kelly refused to facilitate Runge's move to more appropriate care and living accommodations despite Runge's numerous requests to do so. Kelly took no action when Runge advised him that she was being forced to take medications that were unnecessary and impaired her mental capacity. Kelly conspired to keep Runge in a state of diminished capacity due to the numerous medications that impaired her cognitive abilities. Kelly insisted to Runge that she take the medication indicating that if she refused to take it, it would be forced upon her. Kelly indicated to Runge's daughter that he was considering having a guardian appointed to force Runge, against her will, to take the medication. Upon information and belief, Kelly advised Sunbridge staff not to provide Runge's medical records to Runge's family, despite Runge's direction to do so. Kelly requested Bloomingdale to examine Runge, despite the fact he had no authority to act on Runge's behalf. Management of Sunbridge acted at the direction or in concert with Kelly in refusing to allow Runge to be discharged. Kelly had not returned Runge's family's phone call nor made any effort to discuss Runge's situation with them. Runge's family was told by staff at Sunbridge that Kelly had directed that Runge not be allowed to leave the



nursing floor. Kelly orchestrated a scheme to hold Runge at Sunbridge against her will. Kelly contacted Runge's two financial institutions, instructing them to freeze her accounts, even though Kelly knew he had no authority to act on Runge's behalf and that freezing her access to her financial accounts could have a potential and significant effect on her health. Upon information and belief, Kelly took these actions in concert with Sunbridge in order to obtain funds from Runge's accounts. Kelly filed an ex parte petition seeking to have himself appointed as Runge's guardian. Kelly enlisted the aid of Bloomingdale and Sunbridge in presenting this petition, misrepresenting facts to the court and having himself appointed as Runge's guardian. Kelly notified North Carolina police that Runge was being held against her will. Kelly undertook a scheme to distribute funds from Runge's estate to make payment for services allegedly rendered by himself, Bloomingdale, and Sunbridge.

7. Please identify any physical evidence relating to any of the allegations contained in your Complaint known to you to exist or to have existed, and state the current whereabouts and custodian of such evidence.

Response: Runge objects to Interrogatory No. 7 on the grounds that it is vague and overly broad in scope and Runge is unable to ascertain what "physical evidence relating to any of the allegations in your Complaint" is being sought for identification. Subject to and without waiving the above objections, Runge refers Kelly to Attachments A and B and those documents Runge has produced in response to Kelly's Request for Production of Documents to Runge.

8. Please state the full name and last known address, giving the street, number, city and state of every witness known to you or to your attorneys, who has any knowledge regarding the facts and circumstances surrounding the incident, including, but not limited to, eyewitnesses to such events and other persons having any knowledge thereof.

Response:

- a) Helen A. Runge  
5 Stirrup Downs  
Columbus, NC 28722
- b) Gilbert B. Stanley  
5 Stirrup Downs  
Columbus, NC 28722
- c) Dorothy Stanley  
5 Stirrup Downs  
Columbus, NC 28722
- d) Nurse Kayla and other representatives of  
Sunbridge Nursing and Rehabilitation Center  
49 Thomas Patten Drive  
Randolph, MA 02368
- e) Robert M. Palmer, M.D.  
Tryon Medical Group, P.A.  
25 Shields Drive  
Tryon, NC 28782
- f) B. Rhett Myers, M.D.  
15 South Main Street, Suite 502  
Greenville, SC 29601
- g) Jerry L. Gross, D.P.M.  
Foot and Ankle Center of the Carolinas, P.A.  
279 Shiloh Road  
Forest City, NC 20843
- h) David A. Wagner, D.M.D.  
PO Box 275  
Columbus, NC 28722
- i) Kerry L. Bloomingdale, M.D.  
592 Quinobequin Road  
Waban, MA 02468
- j) Walter J. Kelly  
1996 Centre Street  
West Roxbury, MA 02132

k) Dr. Robert Ratcliff  
Dr. Edwin Padget  
Dr. George Kim (also 2536 Lynn Road, Suite B, Tryon, NC 28782)  
St. Luke's Hospital  
101 Hospital Drive  
Columbus, NC 28722

9. If you contend that a violation of any law, statute, regulation, standard, code, industry standard, industry practice or consensus standard is an element of any alleged breach of warranty or negligence by Defendant, cite all such laws, statutes, regulations, standards and codes and the applicable sections or provisions thereof, and specify the manner in which each was violated by Defendant.

**Response:** Runge contends that Kelly has violated the common law of negligence, false imprisonment, intentional infliction of emotional distress, negligent infliction of emotional distress, breach of contract, breach of fiduciary duty, and abuse of process, and has violated the Massachusetts Consumer Protection Act, M.G.L. c. 93A.

10. Identify any recorded or written statements in your possession taken from any witness to any of the events or injuries described in the Complaint or from any other witness with knowledge of discoverable information relevant to the matters alleged in the Complaint.

**Response:** Subject to the above General Objections and without waiving them, see the attached documents, which speak for themselves (Attachment B). Further, there is a videotape of the statement taken from Runge on January 16, 2004, which is available for purchase from Brevard Video Productions, Randy Shelton, Owner located at 49 White Road, Brevard, North Carolina 28712-8264, (828) 862-5657.

11. Please list describe your employment from 1995 to 2003. Include in your answer for each employer:

- a) the name and address of each employer;
- b) the nature of your employment;

- c) a description of the work you performed;
- d) your wage and/or salary;
- e) the start and end date of your employment; and
- f) the reason(s) for leaving your employment.

Response: None.

12. Please describe in detail the circumstances under which you came to retain Defendant. Include in your answer how you met Defendant, the date on which you first retained Defendant and the scope of the work he was to perform on your behalf.

Response: For years, when necessary, Runge utilized Attorney Peter Kerr, who retired from the practice of law in 1998. Kerr shared office space with Kelly who represented himself to Runge be the law partner of Kerr when, in fact, the only relationship was that they shared office space. In 2001, Runge contacted Kelly, understanding that he had taken over Attorney Kerr's clients, to provide her with legal assistance as a result of her decision to and in preparation of entering an assisted living facility, Mariah Manor.

Respectfully submitted,

LATSHA DAVIS YOHE & MCKENNA, P.C.

Dated: Aug. 23, 2006

By Glenn R. Davis  
Glenn R. Davis, Esq.  
Attorney ID 31040  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050  
(717) 620-2424  
gdavis@ldylaw.com  
Pro Hac Vice  
Attorneys for Plaintiff, Helen A. Runge

Dated: 10/10/06

By Helen A. Runge  
Helen A. Runge  
Plaintiff

- c) a description of the work you performed;
- d) your wage and/or salary;
- e) the start and end date of your employment; and
- f) the reason(s) for leaving your employment.

**Response:** None.

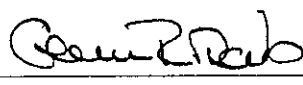
12. Please describe in detail the circumstances under which you came to retain Defendant. Include in your answer how you met Defendant, the date on which you first retained Defendant and the scope of the work he was to perform on your behalf.

**Response:** For years, when necessary, Runge utilized Attorney Peter Kerr, who retired from the practice of law in 1998. Kerr shared office space with Kelly who represented himself to Runge be the law partner of Kerr when, in fact, the only relationship was that they shared office space. In 2001, Runge contacted Kelly, understanding that he had taken over Attorney Kerr's clients, to provide her with legal assistance as a result of her decision to and in preparation of entering an assisted living facility, Marian Manor.

Respectfully submitted,

LATSHA DAVIS YOHE & MCKENNA, P.C.

Dated: Aug. 23, 2006

By   
Glenn R. Davis, Esq.  
Attorney ID 31040  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050  
(717) 620-2424  
gdavis@ldylaw.com  
*Pro Hac Vice*  
Attorneys for Plaintiff, Helen A. Runge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

HELEN A. RUNGE,	:	
Plaintiff	:	
	:	No. 05-10849-RGS
v.	:	(Judge Stearns)
	:	
WALTER J. KELLY, et al.,	:	CIVIL ACTION
Defendants	:	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing Plaintiff Helen Runge's Response to Defendant Walter Kelly's First Set of Interrogatories was served by first-class United States mail, postage prepaid, upon the following:

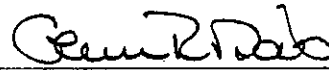
James S. Hamrock, Jr., Esq.  
Attorney of record for Kerry L. Bloomingdale, M.D.,  
Hamrock & Tocci  
101 Main Street, 18<sup>th</sup> Floor  
Cambridge, MA 02142

George C. Rockas, Esq.  
Michele Carlucci, Esq.  
Attorney of record for Walter J. Kelly  
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP  
155 Federal Street  
Boston, MA 02110-1727

Michael Williams, Esq.  
Attorney of record for Sunbridge Nursing and Rehabilitation Center  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210-1736

Blake J. Godbout, Esq.  
David A. Conti, Esq.  
Blake J. Godbout & Associates  
33 Broad Street, 11<sup>th</sup> Floor  
Boston, MA 02109

Dated: Aug 23, 2006

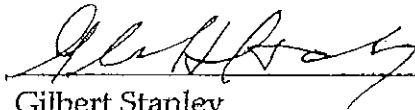


Glenn R. Davis

VERIFICATION

I, Gilbert Stanley, Power of Attorney for Plaintiff Helen Runge, do hereby verify that I have read the Response to Defendant Kerry L. Bloomingdale's Request for Production of Documents. The statements therein are true and correct to the best of my knowledge, information and belief.

Dated: Aug 16, 2006

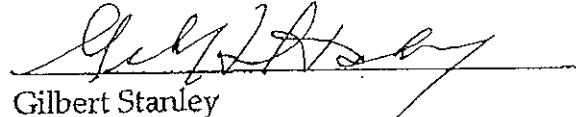
  
\_\_\_\_\_  
Gilbert Stanley  
Power of Attorney for Plaintiff,  
Helen Runge



VERIFICATION

I, Gilbert Stanley, Power of Attorney for Plaintiff Helen Runge, do hereby verify that I have read the Response to Defendant Kerry L. Bloomingdale's First Set of Interrogatories. The statements therein are true and correct to the best of my knowledge, information and belief.

Dated: Aug 16, 2006

  
Gilbert Stanley  
Power of Attorney for Plaintiff,  
Helen Runge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
NO.: 05-10849-RGS

HELEN A. RUNGE,	)	Condensed Copy
Plaintiff,	)	
v.	)	DEPOSITION OF
	)	
	)	HELEN RUNGE
WALTER J. KELLY, et al.,	)	
Defendants.	)	
	)	

On Wednesday, November 15, 2006, commencing at 12:47 p.m., the deposition of Helen Runge was taken on behalf of the Defendants at the residence of Mr. and Ms. Stanley, 5 Stirrups Downs, Columbus, North Carolina, and was attended by Counsel as follows:

APPEARANCES:

GLENN R. DAVIS, ESQ.  
Latsha, Davis, Yohe & McKenna, P.C.  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, Pennsylvania 17050  
on behalf of the Plaintiff

GEORGE C. ROCKAS, ESQ.  
Wilson, Elser, Moskowitz, Edelman & Dicker, L.L.P.  
155 Federal Street  
Boston, Massachusetts 02110  
on behalf of Walter Kelly

JAMES S. HAMROCK, JR., ESQ.  
Hamrock & Tocci  
101 Main Street, 18th Floor  
Cambridge, Massachusetts 02142  
on behalf of Dr. Bloomingdale

MICHAEL WILLIAMS, ESQ.  
Lawson & Weitzen, L.L.P.  
88 Black Falcon Avenue  
Boston, Massachusetts 02210  
on behalf of Sunbridge Nursing Home

Attending: Gilbert Stanley

REPORTED BY: Mai-Beth Ketch, CVR  
ASHEVILLE REPORTING SERVICE

1	(Document aa124)	2
2	Index	
3	Stipulations . . . . .	3
4	Signature (Waived) . . . . .	3
5	Direct Examination By Mr. Rockas . . . . .	4
6	Certificate of Oath. . . . .	12
7	Certificate of Verbatim Transcript . . . . .	13
8	EXHIBITS:	
9	None Marked	

10  
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3  
1 PURSUANT TO NOTICE and/or Agreement to Take  
2 Depositions, the within Deposition was taken by me,  
3 Mai-Beth Ketch, a Notary Public as required in Rules  
4 26 and 30 of the North Carolina Rules of Civil  
5 Procedure.  
6 STIPULATIONS:  
7 IT WAS STIPULATED AND AGREED by and between  
8 Counsel for the Plaintiff and Counsel for the  
9 Defendant that each question in this Deposition is  
10 deemed to be followed by an objection and that each  
11 answer or portion thereof is deemed to be followed by  
12 a motion to strike; and that the objections and  
13 motions to strike may be ruled upon by the presiding  
14 Judge at any hearing or trial of this cause,  
15 provided, however, that any objections as to the form  
16 of the question must be made at the time the question  
17 is propounded or else the same is waived.  
18 SIGNATURE:  
19 The Deponent did agree that both the reading  
20 over and signing of the transcript are hereby  
21 waived.  
22 Helen Runge, being duly sworn to tell the truth,  
23 the whole truth, and nothing but the truth of her own  
24 knowledge concerning the within matter, testified as  
25 follows:

4  
1 DIRECT EXAMINATION BY MR. ROCKAS:  
2 **Q Hi, Ms. Runge. My name is George Rockas. I'm**  
3 **a lawyer in Boston, and I represent an**  
4 **individual named Walter Kelly. Do you know**  
5 **who Walter Kelly is?**  
6 A Do I know who who is?  
7 **Q Walter Kelly.**  
8 A Walter Kelly?  
9 **Q I represent Walter Kelly.**  
10 A I've heard of him, but I don't know -- I don't  
11 remember anything. I don't remember him.  
12 **Q Do you remember whether Mr. Kelly ever did any**  
13 **legal work for you?**  
14 A I don't know. I don't know.  
15 **Q That's all right. If you don't remember, you**  
16 **don't remember. There's nothing wrong with**  
17 **saying you don't remember, ma'am.**  
18 A No. Do I remember what?  
19 INTERJECTION BY MR. GILBERT STANLEY:  
20 Ask the question.  
21 DIRECT EXAMINATION RESUMED BY MR. ROCKAS:  
22 **Q Do you recall whether you are a party in any**  
23 **lawsuit that you filed against Mr. Kelly?**  
24 A I was -- what did he say?  
25 INTERJECTION BY MR. GILBERT STANLEY:

5  
1 Are you suing Mr. Kelly?  
2 DIRECT EXAMINATION RESUMED BY MR. ROCKAS:  
3 **Q Are you aware that you are suing Mr. Kelly?**  
4 A I wasn't aware.  
5 **Q You were not aware?**  
6 A No, no. I know everything is coming up. I  
7 don't know what this is all about.  
8 INTERJECTION BY MR. GILBERT STANLEY:  
9 Off the record just a second, please?  
10 (OFF THE RECORD)  
11 BY MR. ROCKAS:  
12 Let me ask you another question, ma'am. Does  
13 she need eyeglasses?  
14 INTERJECTION BY MR. GILBERT STANLEY:  
15 Generally.  
16 DIRECT EXAMINATION RESUMED BY MR. ROCKAS:  
17 **Q Let me ask you another question, ma'am.**  
18 **Ma'am, I want to show you what was marked as**  
19 **Exhibit 3 at your daughter, Dorothy's,**  
20 **deposition, and ask you if you have ever seen**  
21 **this document before. (Tenders)**  
22 A (Upon review) No, I've never seen the  
23 document.  
24 **Q I want to show you another document that was**  
25 **marked as Exhibit 5 at Dorothy Stanley's**

6

1 **deposition, and I ask you if you have ever**  
 2 **seen this document. Take your time and look**  
 3 **at it. (Tenders)**

4 A (Upon review) No, I've never seen these.

5 **Q Let me ask you this: Do you know what day of**  
 6 **the week it is today?**

7 A I just know it's -- what day is it? What day  
 8 is it?

9 **Q Do you know what day? I'll tell you, but do**  
 10 **you know what day it is?**

11 A I usually ask what day it is when I wake up,  
 12 and I sleep so heavenly and you forget  
 13 everything, and I like to know what day it is.

14 **Q It's Wednesday.**

15 A Wednesday?

16 **Q Yes, ma'am.**

17 A It's a good day, and I know. But I just wake  
 18 up -- I don't know where I am or what day it  
 19 is.

20 **Q Are you presently on any medications?**

21 A Am I in anybody's kitchen?

22 **Q No, no. Are you currently taking any**  
 23 **medication?**

24 A Medication?

25 **Q Medicine?**

8

1 A Live in it? I've heard of it.

2 **Q But you didn't live there?**

3 A No. BayView, no.

4 **Q Do you remember living at a place called**  
 5 **Marion Manor?**

6 A Yeah. That's South Boston, Marion Manor. I  
 7 like them.

8 **Q You remember living there?**

9 A I lived there. I remember Marion Manor.

10 BY MR. ROCKAS:

11 Can we take a two-minute break?

12 (OFF THE RECORD)

13 DIRECT EXAMINATION RESUMED BY MR. ROCKAS:

14 **Q Have you ever been involved in any lawsuit?**

15 A What do you want -- and a lawsuit, you know,  
 16 something about me?

17 **Q No. Have you ever been involved in a lawsuit,**  
 18 **a party to a lawsuit?**

19 A Hospital?

20 **Q No. Have you ever been involved in a lawsuit?**

21 A No, no. Never in my life. This is all shaky  
 22 to me.

23 **Q Do you know what month it is? What month of**  
 24 **the year is it?**

25 A What month of the year for what?

7

1 A I take medication, different pills. I don't

2 know what they are, but they give them to me.

3 **Q Do you want to take the medicine?**

4 A Do I watch the medicine?

5 **Q No. Do you want to take it?**

6 A I want to take everything -- gives them to me.

7 **Q Do you know what type of medicine you are**  
 8 **taking?**

9 A No, I don't know.

10 **Q Do you remember spending some time in a place**  
 11 **called Sunbridge?**

12 A Sunbridge?

13 **Q Yes. Do you remember living at a place called**  
 14 **Sunbridge?**

15 A Sunbridge?

16 **Q Yes.**

17 A I don't remember that. It's so far back.

18 **Q Do you remember living at a place called**  
 19 **BayView?**

20 A BayView?

21 **Q Yes. Do you remember living in a place called**  
 22 **BayView?**

23 A Isn't that South Boston? Isn't it?

24 **Q Do you remember living in a place called**  
 25 **BayView?**

9

1 **Q What month today? What month of the year is**  
 2 **it, are we in?**

3 A I just don't -- I can't tell you right now.  
 4 What is it?

5 **Q Do you know what state you are living in right**  
 6 **now?**

7 A I know where I am.

8 **Q What state are you living in?**

9 A Massachusetts.

10 BY MR. ROCKAS:

11 I have no further questions.

12 BY MR. HAMROCK:

13 No questions.

14 BY MR. WILLIAMS:

15 No questions.

16 BY MR. DAVIS:

17 All right.

18 (OFF THE RECORD)

19 BY MR. ROCKAS:

20 I will speak for defense counsel, and if  
 21 defense counsel want to supplement, add, or  
 22 make some additions or changes to what I said,  
 23 then they're free to do that. But I ended the  
 24 deposition a few moments ago of the plaintiff  
 25 Helen Runge because it became clear to me, and

10

11

1 I think to the other defense counsel, that Ms.  
 2 Runge was incapable of answering even the most  
 3 basic questions, such as the state she was  
 4 living in. She thought she was in  
 5 Massachusetts. She could not identify her  
 6 former lawyer, Walter Kelly. She did not know  
 7 she was involved in a lawsuit. She could not  
 8 identify interrogatories that she signed very  
 9 recently. She said she never saw those  
 10 documents and she never heard of Sunbridge or  
 11 BayView. She said she did hear of Marion  
 12 Manor but had lived there. I think that based  
 13 upon that and other statements she was making,  
 14 it was, I think, a collective belief of  
 15 counsel that she was incapable of going  
 16 forward in the deposition, and for that  
 17 reason, the deposition ended. There was  
 18 another point I think Attorney Hamrock wanted  
 19 to make. I'll let him supplement my  
 20 statement.

21 BY MR. HAMROCK:

22 Just for the record, I think we're all in  
 23 agreement that it would be no point in  
 24 continuing to put Ms. Runge through the  
 25 process that we spent 10 or 15 minutes putting

1 her through, and that's a major reason for not  
 2 going further with the deposition, and the  
 3 defendants jointly reserve the right to  
 4 redepose Ms. Runge if at any point in the  
 5 future it's indicated that she will in fact be  
 6 a witness at trial.

7 (PROCEEDINGS IN THE ABOVE-ENTITLED MATTER WERE  
 8 CONCLUDED AT APPROXIMATELY 1:13 P.M.)

12

13

#### CERTIFICATE OF OATH

STATE OF NORTH CAROLINA )  
 )  
 COUNTY OF BUNCOMBE )

I, Mai-Beth Ketch, a notary public and court  
 reporter, certify that the deponent, Helen Runge,  
 appeared before me on this, the 15th day of  
 November, 2006, and swore to tell the truth, the  
 whole truth, and nothing but the truth.

\_\_\_\_\_  
 Mai-Beth Ketch, CVR  
 Notary Public for North Carolina

(seal)

Asheville Reporting Service  
 53 N. Market Street, Suite 100, Asheville, NC 28801  
 828-254-9230

#### CERTIFICATE OF VERBATIM TRANSCRIPT

I, Mai-Beth Ketch, Court Reporter and Notary  
 Public, do hereby certify that the foregoing 12  
 pages are an accurate transcript of the deposition  
 of Helen Runge, taken by me and transcribed under  
 my supervision.

I further certify that I am not financially  
 interested in the outcome of this action, a  
 relative, employee, attorney or counsel of any of  
 the parties, nor am I a relative or employee of  
 such attorney or counsel.

This is the 8th day of November, 2006.

\_\_\_\_\_  
 MAI-BETH KETCH, CVR

Asheville Reporting Service  
 53 N. Market Street, Suite 100, Asheville, NC 28801  
 828-254-9230

<p><b>A</b></p> <p>aa124 2:1 about 5:7 8:16 <b>ABOVE-ENTITLED</b> 11:7 accurate 13:4 action 13:6 add 9:21 additions 9:22 against 4:23 ago 9:24 agree 3:19 <b>AGREED</b> 3:7 agreement 3:1 10:23 al 1:6 and/or 3:1 another 5:12,17,24 10:18 answer 3:11 answering 10:2 anybody's 6:21 anything 4:11 <b>APPEARANCES</b> 1:11 appeared 12:7 <b>APPROXIMATELY</b> 11:8 Asheville 1:29 12:23,24 13:23,24 attended 1:10 Attending 1:27 attorney 10:18 13:6,7 Avenue 1:24 aware 5:3,4,5</p>	<p>can't 9:3 Carolina 1:10 3:4 12:2 12:14 cause 3:14 Certificate 2:6,7 12:1 13:1 certify 12:6 13:3,5 changes 9:22 Civil 3:4 clear 9:25 collective 10:14 Columbus 1:10 coming 5:6 commencing 1:8 concerning 3:24 <b>CONCLUDED</b> 11:8 continuing 10:24 counsel 1:10 3:8,8 9:20 9:21 10:1,15 13:6,7 <b>COUNTY</b> 12:3 court 1:1 12:5 13:3 Creek 1:14 currently 6:22 CVR 1:28 12:13 13:12</p>	<p>employee 13:6,7 ended 9:23 10:17 ESQ 1:13,16,20,23 et 1:6 even 10:2 ever 4:12 5:20 6:1 8:14 8:17,20 everything 5:6 6:13 7:6 Examination 2:5 4:1 4:21 5:2,16 8:13 Exhibit 5:19,25 EXHIBITS 2:8 eyeglasses 5:13</p>	<p>identify 10:5,8 incapable 10:2,15 Index 2:2 indicated 11:5 individual 4:4 interested 13:6 <b>INTERJECTION</b> 4:19 4:25 5:8,14 interrogatories 10:8 involved 8:14,17,20 10:7 Isn't 7:23,23 it's 6:7,14,17 7:17 11:5 I'll 6:9 10:19 I'm 4:2 I've 4:10 5:22 6:4 8:1</p>	<p>make 9:22 10:19 making 10:13 Manor 8:5,6,9 10:12 Marion 8:5,6,9 10:11 marked 2:9 5:18,25 Market 12:24 13:24 Massachusetts 1:1,18 1:21,25 9:9 10:5 matter 3:24 11:7 may 3:13 ma'am 4:17 5:12,17,18 6:16 McKenna 1:13 Mechanicsburg 1:14 medication 6:23,24 7:1 medications 6:20 medicine 6:25 7:3,4,7 <b>MICHAEL</b> 1:23 minutes 10:25 moments 9:24 month 8:23,23,25 9:1,1 Moskowitz 1:17 most 10:2 motion 3:12 motions 3:13 must 3:16</p>
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5-12-06

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

EASTERN DIVISION

No. 05-10849 RGS

HELEN RUNGE,  Plaintiff  v.  WALTER J. KELLY, KERRY L. BLOOMINGDALE, M.D., and SUNBRIDGE NURSING AND REHABILITATION CENTER, Defendants
--

**THE DEFENDANT WALTER J. KELLY'S REQUEST FOR PRODUCTION OF  
DOCUMENTS TO THE PLAINTIFF, HELEN RUNGE**

The Defendant, Walter J. Kelly, pursuant to Rule 34 of the Federal Rules of Civil Procedure, requests that the Plaintiff, Helen Runge, produce and permit the Defendant to inspect, copy and photograph all documents and things in its possession, custody or control, which evidence, embody, refer to or relate to the following subjects. In the event that the Plaintiff claims that a document requested is privileged, please identify each document in sufficient detail so as to enable the Court to rule upon the claim of privilege, including the following information:

- a. the date the document or item was prepared;
- b. the author of the document;
- c. the substantive content of the document to the extent not privileged;
- d. the identity and address of the person or entity who currently has custody of the document or item; and
- e. the grounds upon which you refuse to produce said document or item.

The following definitions and instructions apply to all document requests contained herein:

1. Each request contained herein extends to any DOCUMENTS in the care, custody, or control of plaintiff. A DOCUMENT is deemed to be in the care, custody, or control of the plaintiff if it is in the plaintiff's physical custody, or if it is in the physical custody of any other PERSON and plaintiffs (a) own such DOCUMENT in whole or in part; (b) have a right by contract, statute or otherwise to use, inspect, examine or copy



such DOCUMENT on any terms; (c) have an understanding, express or implied, that they may use, inspect, examine or copy such DOCUMENT on any terms; or (d) have, as a practical matter, been able to use, inspect, examine, or copy such DOCUMENT when they sought to do so. Such DOCUMENTS shall include, without limitation, DOCUMENTS that are in the custody of either or both of the defendants' attorney(s), representatives, or other agents.

2. "Any" means any and all or each and every, to make it inclusive rather than exclusive.

3. The terms "plaintiff", "your" and "you" shall mean and refer to Helen Runge, unless otherwise indicated.

4. The term "defendant" shall refer to Walter J. Kelly.

5. When the term "documents" is used it shall mean all written, typewritten, computer generated, printed and photocopied, drawn, graphic, photographic, recorded, filmed and microfilmed materials of varied description. It includes, by way of illustration, but not of limitation, the following:

- a. Books, logs, diaries, journals, ledgers, notebooks and reports;
- b. Notes, narrative reports, medical records, medical bills, medical test results, MRI results, CT-Scan results, X-ray results, memoranda, letters, correspondence, telegrams and notations and records of telephone conversations;
- c. Photographs, films, microfilms, tapes, computer information of every nature and description, E-mails, discs, software, programs, videotapes and recordings;
- d. Mathematical and scientific formulae, testing data, computations and data; and
- e. Preliminary and/or final drafts and amended or modified versions or copies of any of the foregoing.

REQUEST NO. 1:

Copies of any and all documents related to the plaintiff's retention of the defendant.

REQUEST NO. 2:

Any and all documents reflecting or evidencing communications between the plaintiff and the defendant.

REQUEST NO. 3:

All documents evidencing damages the plaintiff seeks to recover in this action.

REQUEST NO. 4:

All documents relating to the identity, address, and location of all individuals who may have information related to the subject matter of and the allegations contained in the Plaintiff's Complaint.

REQUEST NO. 5:

Any and all documents concerning, identified, described, referenced or referred to in the Plaintiff's answers to interrogatories.

REQUEST NO. 6:

All documents and statements, signed, unsigned or transcribed, written and oral in the possession, custody or control of the Plaintiff which were filled out and/or completed by any witnesses to the accident or any persons who have or purport to have knowledge of the subject matter of or the allegations contained in the plaintiff's Complaint.

REQUEST NO. 7:

All reports made out by any police department, fire department, federal, state, or local governmental entity or agency concerning the subject matter of or the allegations contained in the Plaintiff's Complaint, including but not limited to all photographs and/or diagrams taken in conjunction with any investigation.

REQUEST NO. 8:

Any written or otherwise recorded materials pertaining to statutes, regulations, rules, standards, customs, practices or guidelines which Plaintiff alleges that Defendant failed to comply.

REQUEST NO. 9:

All documents or tangible things that you feel support the claims contained in your Complaint.

REQUEST NO. 10:

Any and all correspondence, memoranda, or other documentation that discusses the subject matter of plaintiff's Complaint.

REQUEST NO. 11:

True and complete copies of all income and gift tax returns, together with all schedules and attachments thereto, filed or reported by, or on behalf of the Plaintiff for the years 1995 to present. If the plaintiff did not submit a federal tax return for any such year, produce all financial records of income and gifts for each year.

REQUEST NO. 12:

All documents concerning any expense you seek to recover in this action, including, but not limited to, all invoices, statements, receipts, and cancelled checks concerning:

- a. medical care rendered by doctors, hospitals, therapists, counselors, and other medical service providers for any physical or mental injury;
- b. property items; and
- c. any other expense you claim the defendant caused.

REQUEST NO. 13:

All documents concerning any statements made by any fact witness concerning the cause, nature, extent or amount of damages you are claiming.

REQUEST NO. 14:

Any and all documents related to the plaintiff's residence and/or care at any nursing homes and/or assisted living facilities.

REQUEST NO. 15:

All surgical records, hospital records, medical records, nursing home records, assisted living facility records, psychological records, mental health records, X-rays, radiographic films, or any other records or materials related to any diagnostic or treatment tests or procedures, bills, invoices, writings, notes, or memoranda relating to all of the plaintiff's physical, medical or mental conditions, illnesses or disabilities, including but not limited to those doctors, nurses, practitioners, hospitals, clinics, institutions, or other health care providers or third party private or governmental health or accident insurers, without regard to whether it is the plaintiff's contention that such physical, medical or mental conditions, illnesses, or disabilities were caused in any way

by the defendant or any agent or employee of the defendant for the years 1995 to the present.

REQUEST NO. 16:

All documents reviewed, produced, or otherwise held by each expert witness you have retained to testify or otherwise give evidence in this action concerning your claims, such documents include, but are not limited to:

- (a) reports, findings, examinations, tests, and opinions;
- (b) all documents, and other materials, which relate to their activities, finding, or opinions in this action, including but not limited to, all reports, inquiries, internal memorandums, and correspondence in this action;
- (c) all documents concerning the scope of matters each expert was retained or otherwise asked to perform for this action, including, but not limited to, any retained agreements, letters of understanding, correspondence, and other memoranda;
- (d) all documents reviewed by each expert;
- (e) all documents and other materials, specifically including exhibits, each expert intends to use in support of his/her testimony;
- (f) invoices and statements of payment concerning their activities in this action; and
- (g) each expert's curriculum vitae.

REQUEST NO. 17:

All documents prepared or reviewed by any fact witness you may call at trial, including, but not limited to, all statements prepared by, or taken from, fact witnesses.

REQUEST NO. 18:

Any and all documents and/or exhibits you intend to introduce at trial.

REQUEST NO. 19

All legal bills with regard to the legal services rendered and work performed by the defendant on the plaintiff's behalf.

REQUEST NO. 20

All payments made by the plaintiff or anyone on the plaintiff's behalf with regard to legal services rendered and work performed by the defendant on the plaintiff's behalf.

REQUEST NO. 21

All correspondence between the plaintiff and her daughter, Dorothy Stanley, from 1995 to present.

REQUEST NO. 22

All documents reflecting communications in any form between the plaintiff and her daughter, Dorothy Stanley, from 1995 to present.

REQUEST NO. 23

All documents reflecting instances where Dorothy Stanley was in the physical presence of the plaintiff from 1995 to the present.

REQUEST NO. 24

All police reports which in any way refer to the plaintiff.

Respectfully submitted,

The Defendant,  
Walter J. Kelly,  
By his attorneys,

Michele Carlucci 5/12/06

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Michele Carlucci, BBO #655211  
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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EASTERN DIVISION

No. 05-10849 RGS

HELEN RUNGE,          WALTER J. KELLY, KERRY L. BLOOMINGDALE, M.D., and SUNBRIDGE NURSING AND REHABILITATION CENTER,  	Plaintiff   v.          Defendants
---	---

CERTIFICATE OF SERVICE

I, Michele Carlucci, certify that on May 12, 2006 I have served a copy of the following:

1. Defendant Walter J. Kelly's Interrogatories to the Plaintiff; and
2. Defendant Walter J. Kelly's Request for Production of Documents to the Plaintiff

to all counsel of record:

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Michele Carlucci

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

HELEN A. RUNGE,	:	
Plaintiff	:	
	:	No. 05-10849-RGS
v.	:	(Judge Stearns)
	:	
WALTER J. KELLY, et al.,	:	CIVIL ACTION
Defendants	:	JURY TRIAL DEMANDED

**PLAINTIFF HELEN RUNGE'S RESPONSE TO DEFENDANT WALTER J. KELLY'S  
REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiff Helen Runge ("Runge") hereby responds to Defendant Walter J. Kelly's ("Kelly") Request for Production of Documents as follows:

**GENERAL OBJECTIONS**

1. Runge objects to Definitions and Instructions in the Requests to the extent that they impose a greater obligation than that required by Rules 26 and 34 of the Federal Rules of Civil Procedure. Runge will produce documents and assert objections consistent with its obligations under such rules and expressly declines to undertake any broader obligations.

2. Runge objects to the Requests to the extent that they call for the disclosure of:

- (a) information developed, acquired or prepared in anticipation of litigation or which otherwise constitutes attorney work product;
- (b) mental impressions, conclusions, opinions or legal theories of legal counsel;
- (c) privileged attorney-client communications; or,



(d) information otherwise protected as privileged under state or federal statutory, constitutional or common law.

3. Runge objects to the Requests to the extent that they are vague, overly broad in time or subject matter, ambiguous, repetitive and/or fail to identify the information sought with reasonable particularity.

4. Runge expressly reserves all objections as to the relevance, authenticity or admissibility of any document sought in the Requests and by producing documents in response to the Requests, Runge does not concede that any such documents are relevant to the subject matter of this action, admissible, or authentic, or that such documents are reasonably calculated to lead to the discovery of admissible evidence.

5. Runge reserves any and all rights to withhold any document from production or to redact portions of any document to be produced based upon the objections made herein.

6. Runge reserves the right to demand the immediate return of any document subject to General Objection No. 2 that was produced inadvertently. Any such inadvertent production will not constitute a waiver of Runge's right to assert the production of any privilege with respect such inadvertently produced document or other documents related to the subject matter of such document or related in any other way thereto.

7. Runge reserves the right to supplement or amend her responses to the Requests if further information becomes available.

8. Runge reserves the right to supplement or amend her responses to the Requests if further information becomes available.

**SPECIFIC RESPONSES AND OBJECTIONS**

The General Objections set forth above apply to all individual numbered Requests, and Runge hereby incorporates each of those General Objections by reference into her responses to each of the individual Requests. Any additional objections stated in the following responses are expressly made in addition to, and not in lieu of, the General Objections and for the purpose of setting forth, where appropriate, Runge's specific position as to Kelly's Requests.

1. Copies of any and all documents related to Plaintiff's retention of Defendant.

**Response:** There are no documents responsive to this Request.

2 Any and all documents reflecting or evidencing communications between Plaintiff and Defendant.

**Response:** Runge objects to this Request because the documents sought are under the care, custody and control of Kelly. Subject to and without waiving the above objections, documents responsive to this Request in possession of Runge are attached.

3. All documents evidencing damages Plaintiff seeks to recover in this action.

**Response:** Documents responsive to this Request in possession of Runge are attached.

4. All documents relating to the identity, address, and location of all individuals who may have information related to the subject matter of and the allegations contained in Plaintiff's Complaint.

**Response:** Documents responsive to this Request in possession of Runge are attached.

5. Any and all documents concerning, identified, described, referenced or referred to in Plaintiff's answers to interrogatories.

**Response:** Documents responsive to this Request in possession of Runge are attached.

6. All documents and statements, signed, unsigned or transcribed, written and oral in the possession, custody or control of Plaintiff which were filled out and/or completed by any witnesses to the accident or any persons who have or purport to have knowledge of the subject matter of or the allegations contained in Plaintiff's Complaint.

**Response:** Runge objects to this Requests to the extent it seeks information that is subject to the attorney-client privilege and/or work product doctrine. Subject to and without waiving the above objections, documents responsive to this Request in possession of Runge are attached. Further, the videotape of the statement taken from Runge on January 16, 2004 is available for purchase from Brevard Video Productions, Randy Shelton, Owner located at 49 White Road, Brevard, North Carolina 28712-8264, (828) 862-5657.

7. All reports made out by any police department, fire department, federal, state, or local governmental entity or agency concerning the subject matter of or the allegations contained in Plaintiff's Complaint, including but not limited to all photographs and/or diagrams taken in conjunction with any investigation.

**Response:** Documents responsive to this Request in possession of Runge are attached.

8. Any written or otherwise recorded materials pertaining to statutes, regulations, rules, standards, customs, practices or guidelines which Plaintiff alleges that Defendant failed to comply.

**Response:** There are no documents responsive to this request.

9. All documents or tangible things that you feel support the claims contained in your Complaint.

**Response:** Runge objects to this Request as overly broad and vague; Runge is unable to ascertain the specific items Kelly is requesting.

10. Any and all correspondence, memoranda, or other documentation that discusses the subject matter of Plaintiff's Complaint.

**Response:** Subject to the above General Objections and without waiving the above objections, documents responsive to this Request in possession of Runge are attached.

11. True and complete copies of all income and gift tax returns, together with all schedules and attachments thereto, filed or reported by, or on behalf of Plaintiff for the years 1995 to present. If Plaintiff did not submit a federal tax return for any such year, produce all financial records of income and gifts for each year.

**Response:** There are no documents responsive to this Request in the possession of Runge. It is understood that Kelly as attorney and power of attorney is in possession of these documents. It is further understood that Kelly prepared some of the tax returns in the requested years.

12. All documents concerning any expense you seek to recover in this action, including, but not limited to, all invoices, statements, receipts, and cancelled checks concerning:

- (a) medical care rendered by doctors, hospitals, therapists, counselors, other medical service providers for any physical or mental injury;
- (b) property items; and
- (c) any other expense you claim Defendant caused.

**Response:** Documents responsive to this Request in possession of Runge are attached.

13. All documents concerning any statements made by and any fact witness concerning nursing homes and/or assisted living facilities.

**Response:** Runge objects to this Requests to the extent it seeks information that is subject to the attorney-client privilege and/or work product doctrine. Subject to and without waiving the above objections, documents responsive to this Request in possession of Runge are attached.

14. Any and all documents related to Plaintiff's residence and/or care at any nursing homes and/or assisted living facilities.

**Response:** Documents responsive to this Request in possession of Runge are attached.

15. All surgical records, hospital records, medical records, nursing home records, assisted living facility records, psychological records, mental health records, X-rays, radiographic films, or any other records or materials related to any diagnostic or treatment tests or procedures, bills, invoices, writings, notes, or memoranda relating to all of Plaintiff's physical, medical or mental conditions, illnesses or disabilities, including but not limited to those doctors, nurses, practitioners, hospitals, clinics, institutions, or other health care providers or third party private or governmental health or accident insurers, without regard to whether it is Plaintiff's contention that such physical, medical or mental conditions, illnesses, or disabilities were caused in any way by Defendant or any agent or employee of Defendant for the years 1995 to the present.

**Response:** Documents responsive to this Request in possession of Runge are attached.

16. All documents reviewed, produced, or otherwise held by each expert witness you have retained to testify or otherwise give evidence in this action concerning your claims, such documents include, but are not limited to:

- (a) reports, findings, examinations, tests, and opinions;
- (b) all documents, and other materials, which relate to their activities, finding, or opinions in their action, including but not limited to, all reports, inquiries, internal memorandums, and correspondence in this action;
- (c) all documents concerning the scope of matters each expert was retained or otherwise asked to perform for this action, including, but not limited to, any retained agreements, letters of understanding, correspondence, and other memoranda;
- (d) all documents reviewed by each expert;
- (e) all documents and other materials, specifically including exhibits, each expert intends to use in support of his/her testimony;
- (f) invoices and statements of payment concerning their activities in this action; and
- (g) each expert's curriculum vitae.

**Response:** It is premature for Runge to name any expert witnesses and, therefore, there are no documents responsive to this Request at this time. Runge reserves the right to supplement this response as discovery is deemed ongoing.

17. All documents prepared or reviewed by any fact witness you may call at trial, including, but not limited to, all statements prepared by, or taken from, fact witnesses.

**Response:** It is premature for Runge to name fact witnesses to be called at trial and, therefore, there are no documents responsive to this Request at this time.

**Runge reserves the right to supplement this response as discovery is deemed ongoing.**

18. Any and all documents and/or exhibits you intend to introduce at trial.

**Response: Runge has not yet made a determination as to what documents and exhibits will be utilized at trial. The appropriate documents will be provided at the time when this determination is made.**

19. All legal bills with regard to the legal services rendered and work performed by Defendant on Plaintiff's behalf.

**Response: Runge objects to this Request because the documents sought are under the care, custody and control of Kelly. Subject to and without waiving the above objections, documents responsive to this Request in the possession of Runge are attached.**

20. All payments made by Plaintiff or anyone on Plaintiff's behalf with regard to legal services rendered and work performed by Defendant on Plaintiff's behalf.

**Response: Runge objects to this Request because the documents sought are under the care, custody and control of Kelly. Subject to and without waiving the above objections, there are no documents responsive to this Request in the possession of Runge.**

21. All correspondence between Plaintiff and her daughter, Dorothy Stanley, from 1995 to present.

**Response: Subject to and without waiving the above General Objections, documents responsive to this Request in possession of Runge are attached.**

22. All documents reflecting communications in any form between Plaintiff and her daughter, Dorothy Stanley, from 1995 to present.

**Response:** Documents responsive to this Request in possession of Runge are attached.

23. All documents reflecting instances where Dorothy Stanley was in the physical presence of Plaintiff from 1995 to present.

**Response:** There are no documents responsive to this Request.

24. All police reports which in any way refer to Plaintiff.

**Response:** There are no documents responsive to this Request.

Respectfully submitted,

LATSHA DAVIS YOHE & MCKENNA, P.C.

Dated: Aug 22, 2006

By: Glenn R. Davis  
Glenn R. Davis  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050  
(717) 620-2424  
gdavis@ldylaw.com  
*Pro Hac Vice*

Attorneys for Plaintiff, Helen A. Runge



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

HELEN A. RUNGE,	:	
Plaintiff	:	
	:	No. 05-10849-RGS
v.	:	(Judge Stearns)
	:	
WALTER J. KELLY, et al.,	:	CIVIL ACTION
Defendants	:	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing Plaintiff Helen Runge's Response to Walter J. Kelly's Request for Production of Documents was served by first-class United States mail, postage prepaid, upon the following:

James S. Hamrock, Jr., Esq.  
Attorney of record for Kerry L. Bloomingdale, M.D.,  
Hamrock & Tocci  
101 Main Street, 18<sup>th</sup> Floor  
Cambridge, MA 02142

George C. Rockas, Esq.  
Michele Carlucci, Esq.  
Attorney of record for Walter J. Kelly  
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP  
155 Federal Street  
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Attorney of record for Sunbridge Nursing and Rehabilitation Center  
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88 Black Falcon Avenue, Suite 345  
Boston, MA 02210-1736

Blake J. Godbout, Esq.  
David A. Conti, Esq.  
Blake J. Godbout & Associates  
33 Broad Street, 11<sup>th</sup> Floor  
Boston, MA 02109

Dated: Aug 23, 2003

  
\_\_\_\_\_  
Glenn R. Davis

# MARLAN MANOR ADMISSION/ANNUAL HISTORY AND PHYSICAL

D. Goures

NAME: Selen RungeROSTER 3938Interval History: 87y/o h/o depression, NPO, OA

Review of Systems:	Negative	Abnormal or General Findings:
Head & Neck	<input checked="" type="checkbox"/>	supple <del>kn</del>
Skin	<input type="checkbox"/>	dry <del>irritated</del>
Mouth	<input type="checkbox"/>	normal
Heart	<input type="checkbox"/>	clear <del>POD</del>
Lungs	<input type="checkbox"/>	diaphragm
Abdomen	<input type="checkbox"/>	normal
Rectal Exam	<input type="checkbox"/>	normal
Breast Exam	<input type="checkbox"/>	normal
Genitourinary	<input type="checkbox"/>	normal
Musculoskeletal	<input type="checkbox"/>	Atrophy
Extremities	<input type="checkbox"/>	Alert oriented x3
Neurological	<input type="checkbox"/>	normal
Allergies	<input type="checkbox"/>	

Cognitive Status:	Negative	Abnormal or General Findings:
Vision	<input checked="" type="checkbox"/>	
Memory	<input type="checkbox"/>	recent
Hearing	<input type="checkbox"/>	normal
Delirium, disordered thinking	<input type="checkbox"/>	at times
Communication	<input type="checkbox"/>	verbal
Behavior	<input type="checkbox"/>	appropriate

Recent Lab &amp; E-Ray Findings:

Functional Limitations:

Rehab Potential: Good ☒ Fair ☐ Poor ☐ Nil ☐

Prognosis:

Primary Diagnosis: dementiaSecondary Diagnosis: NPO

Short Term Goal:

Long Term Goal: maintain functional capacityEst. Length of Stay: permanentResident has capacity of make/communicate health care decisions: Yes ☒ No ☐Date: 09-02Signature: R. Goures



ACCT:CH0005085873  
MR#:CH00142337

PRIMARY PAYOR: Medicare A&B  
023051066A

SECONDARY PAYOR: Medex  
XXG008029612

DATE: 01/11/03		TIME IN: 2043		ARRIVAL MODE AM		ADM CLK CAHMAE01		MED SEC	
PHONE NUMBER: (617)268-3333		AGE: 87	SEX: F	M/S: S	LANG. ENGLISH		RACE: WH	REL. CATHOLIC	
SOCIAL SEC. NO.: 023-05-1066			HEALTH CARE PROXY: NO, DOES NOT WANT INFO						
NEXT OF KIN: KELLY, WALTER			RELATIONSHIP: FR				PHONE: (617)327-4187		
PRIMARY CARE PROVIDER: Gomes, Ronald F MD				NAME OF CLINIC OF PCP: PHONE: EXT. 4560					
TRIAGE TIME:		TX AREA TIME:		TIME SEEN BY M.D. 2355			DISCHARGE TIME		
LOCATION: ED.CH				TIME CALLED FOR MED REC:					

(Circle Negatives; Document positives)

neg	Constitutional:	neg	GU:
neg	Eyes:	neg	GYN:
neg	ENT:	neg	Musculoskeletal:
neg	CV:	neg	Neuro:
neg	Respiratory:	neg	Psychiatric:
neg	GI:		

PHYSICIAN PAIN SCALE 0 O<sub>2</sub>SAT 97  
BP 153/73 P 70 R 20 T° 97 FIO<sub>2</sub> RA

APPEARANCE: *ASP*  
HEENT: *PEARL ROAR*

NECK/SPINE: *exple*

CHEST: *Leo*

CARDIOVASCULAR: *ME STOP*

GI/ABD: *[Signature]*  
COKT @ B7E

**GU/PELVIC/RECTAL:**

MS/EXT: 

**NEURO:**

**SKIN:**

PSYCH EVAL

☐ Unable to obtain      ☒ Nurses notes Reviewed

87 ♀ sub for  
Maxwell for Meredith  
I don't know who she is  
in the other day out ...  
know who you are ... I do  
D called 9th. It does  
not know why she is  
here.

**ALLERGIES:** Penicillin, Sulfonamides, Novox  
Lidocaine, Procaine, Benzocaine, Elix  
Gastric

**EAST MED-HISTORY** ☒ Medical Record Reviewed

Иван Александрович  
Павлов, Архив  
по архиву

**SOCIAL EXHIBITS: 11** *Added Ludwig*  
*No regular lsc -*

EMERGENCY DEPARTMENT  
PHYSICIAN RECORD PAGE 2 OF 2

RUNGE, HELEN A F  
MARION MANOR S. BOSTON, MA 02124  
(617) 268-3333 AGE: 87 DOB: 08/03/1917  
PHYS: Springs, Donna L MD  
ACCT: CH0006085873 REL: CATHOLIC  
MR#: CH00142337 SVC: ADM: 01/11/03

UA:

HCG:

PROCEDURES

- ☐ See Informed Consent  
☐ See completed Procedure Form  
If laceration repair, indicate size.

no medical  
history indicated  
to patient  
see 12  
on phone

ATTENDING NURSE  
PROGRESS NOTE

Critical Care Time: \_\_\_\_\_ Minutes

Spoke with Kelly (Grand  
reports previous delirium  
for "a long time" (2+ years)  
Agree to admit.

PHYSICIAN ORDERS

TIME  
ORDER

- ☐ CBC ☐ CMP ☐ BMP ☐ CK  
☐ EKG ☐ MONITOR ☐ HL

RN  
INIT.

TIME

TIME  
ORDER

RN  
INIT.

TIME

PRIMARY CARE

- ☐ CALLED ☐ DISCUSSED

Dr. \_\_\_\_\_

- ☐ APPROVED ☐ NOT APPROVED

CONSULTANT

- ☐ CALLED ☐ DISCUSSED

Dr. \_\_\_\_\_

DISPOSITION

- ☐ DISCHARGE ☐ TRANSFER

Transfer form Completed ☐

- ☐ ELOPE ☐ AMA

- ☐ E.D. OBSERVATION ☐ IN HOUSE  
OBSERVATION ☒ ADMISSION ATT MD \_\_\_\_\_

- ☐ CCU/ICU ☐ STEP DOWN ☐ CARD  
MED ☐ MED/SURG ☐ PEDI ☐ STROKE ☒ PSYCH

DIAGNOSIS

1. Psychosis DX CODE: E CODE: E-PM CODE: 5105  
delirium DX CODE: PROC CODE: CPT CODE: 254  
3. DX CODE: PROC CODE: OPT CODE:

H. O. Signature:

Provider No.:

Attending Signature:

Provider No.:

CARNEY HOSPITAL  
2100 DORCHESTER AVE  
BOSTON MA 02124

Document 78-7

Filed 01/30/2007

Page 4 of 20



EMERGENCY DEPARTMENT  
PHYSICIAN RECORD PAGE 2 OF 2

RUNGE, HELEN A - F  
MARION MANOR S.BOSTON, MA 02124  
(617) 268-3333 AGE: 87 DOB: 08/03/1915  
PHYS: Springs, Donna L MD  
ACCT: CH0005085873 REL: CATHOLIC  
MR#: CH00142337 SVC: ADM: 01/11/03

5-1-28

179

100

1285/585

UA:

HCG:

EKG:

PROCEDURES

- ☐ See Informed Consent
- ☐ See completed Procedure Form
- If laceration repair, indicate size.

no medical  
contraindications  
to patient  
see 12  
on file

ATTENDING NOTE  
PROGRESS NOTE

Critical Care Time: \_\_\_\_\_ Minutes

2 p.m. x 10 min Kelly (Becker)  
reports persistent delirium  
for "a long time" (2+ years)  
Agree to admit.

PHYSICIAN'S ORDERS

TIME ORDER		RN INIT.	TIME	TIME ORDER		RN INIT.	TIME
	<input type="checkbox"/> CBC <input type="checkbox"/> CMP <input type="checkbox"/> BMP <input type="checkbox"/> CK						
	<input type="checkbox"/> EKG <input type="checkbox"/> MONITOR <input type="checkbox"/> HL						
	<i>Walden 5m</i>						

PRIMARY CARE ☐ CALLED ☐ DISCUSSED

Dr. \_\_\_\_\_

☐ APPROVED ☐ NOT APPROVED

CONSULTANT ☐ CALLED ☐ DISCUSSED

Dr. \_\_\_\_\_

DISPOSITION ☐ DISCHARGE ☐ TRANSFER ☐ ELOPE ☐ AMA

Transfer form Completed ☐

(FACILITY)

☐ E.D. OBSERVATION ☐ IN HOUSE OBSERVATION ☒ ADMISSION ATT MD \_\_\_\_\_

☐ CCU/ICU ☐ STEP DOWN ☐ CARD MED ☐ MED/SURG ☐ PEDI ☐ STROKE ☒ PSYCH

DIAGNOSIS

1. <i>Psychosis</i>	DX CODE:	E CODE:	E+M CODE: <i>5F05</i>
2. <i>Alcohol</i>	DX CODE:	PROC CODE:	CPT CODE: <i>95.04</i>
3.	DX CODE:	PROC CODE:	OPT CODE:

H. O. Signature:

Provider No.:

Attending Signature: *MCC*

Provider No.:

Admit 02:30

MEDICAL RECORDS

FORM 11-514



# EMERGENCY DEPARTMENT PATIENT BELONGINGS INVENTORY AND SAFETY SEARCH

NAME: HELEN RUNGG DATE: 1/11/03 MEDICAL RECORD NUMBER: \_\_\_\_\_

\* Security Officer will confiscate any objects found that are determined to be dangerous

**SECURITY PROCEDURE:** \* Security Officer to be dispatched to ER for unit search of patient belongings

\* Patient belongings will be removed from room and labeled \* ER staff will witness Security Officer performing search \* Security Officer will record information on form, ER staff to co-signed \* Security Officer will do room search after belongings removed

1) All medications / substances placed in tamper evident bag, labeled and placed in secured / locked area: Y ☒ N ☐ N/A ☐

2) All weapons / dangerous items to be removed and given to Boston Police at Security's discretion: Y ☒ N ☐ N/A ☐

3) Money: Amount \$ 185 , Locked in security Y: ☒ N: ☐ If no give reason: VE 13464

4) Dentures: Y ☐ N ☒ Glasses: Y ☐ N ☒ Cell Phone: Y ☐ N ☒ Walkman: Y ☐ N ☒

5) Cigarettes # of packs 0 , # of Lighter (s) 0 , # of Match books 0

6) Number of bags sent with patient to Psychiatric Unit: 2 OTHER: \_\_\_\_\_

Security Officer Name: Adam Clancy Date: 1/11/03 ER Staff Witness Name: Andrew Theodor Date: 1/11/03

\* If patient is admitted to any other unit or floor prior to Psychiatric unit all belongings are to be kept away from the patient and secured by staff to maintain safety. This form is to accompany patient to Psychiatric unit

## PSYCHIATRIC UNIT PATIENT BELONGINGS INVENTORY AND SAFETY SEARCH

Number of bags with patient: 2 , Arrived in Gown Y ☒ N ☐ If No, explain: \_\_\_\_\_

Careful inspection and proper securing of patient's belongings by admitting staff requires:

1) Clothing checked by pulling out pockets, inspecting seams/shoes/socks/cuffs, all compartments of luggage, pocketbooks, etc. Y ☒ N ☐

2) All sharp objects labeled and secured in sharps closet in a labeled bin or bag: Y ☐ N ☐ N/A

3) All smoking materials labeled and secured in sharps closet: Y ☐ N ☐ N/A

PERSONAL ARTICLES OTHER THAN CLOTHING / PLEASE CHECK ALL THAT APPLY:

4) Glasses ☐ Contacts ☐ Hearing Aid ☐ Right Ear ☐ Left Ear ☐ Dentures ☐ Upper ☐ Lower ☐ Partial ☐

5) Prosthesis ☐ Describe: Pt can't hear out of one ear.

6) Jewellery: List N/A Money: Amount \$ \_\_\_\_\_

OTHER: Please Describe: \_\_\_\_\_

7) All valuables sent to security: Y ☒ N ☐ Describe Items \_\_\_\_\_

8) Oriented to Unit Y ☒ N ☐ Patient Guidelines / Rules given Y ☒ N ☐ Patient Rights given Y ☒ N ☐

RN / MHC Signature: [Signature] Date / Time: 3:45 AM 1/11/03 Patient Signature: \_\_\_\_\_ Date / Time: \_\_\_\_\_

9) Patient given copy of patient belongings inventory and safety search Y ☐ N ☐ If no describe: \_\_\_\_\_

Belongings returned to patient at time of discharge: Y ☐ N ☐ Describe: \_\_\_\_\_

RN / MHC Signature: \_\_\_\_\_ Date / Time: \_\_\_\_\_ Patient Signature: \_\_\_\_\_ Date / Time: \_\_\_\_\_

# EMERGENCY DEPARTMENT PATIENT BELONGINGS INVENTORY AND SAFETY SEARCH

NAME: HELEN RUNGE DATE: 1/11/03 MEDICAL RECORD NUMBER: \_\_\_\_\_

\* Security Officer will confiscate any objects found that are determined to be dangerous

**SECURITY PROCEDURE:** \* Security Officer to be dispatched to ER for unit search of patient belongings

\* Patient belongings will be removed from room and labeled \* ER staff will witness Security Officer performing search \* Security Officer will record information on form, ER staff to co-signed \* Security Officer will to do room search after belongings removed

1) All medications / substances placed in tamper evident bag, labeled and placed in secured / locked area: Y ☒ N ☐ N/A ☐

2) All weapons / dangerous items to be removed and given to Boston Police at Security's discretion: Y ☒ N ☐ N/A ☐

3) Money: Amount \$ 185, Locked in security Y: ☒ N: ☐ If no give reason: VE 13464

4) Dentures: Y ☐ N ☒ Glasses: Y ☐ N ☒ Cell Phone: Y ☐ N ☒ Walkman: Y ☐ N ☒

5) Cigarettes # of packs 0, # of Lighter (s) 0, # of Match books 0

6) Number of bags sent with patient to Psychiatric Unit: 2 OTHER: \_\_\_\_\_

Security Officer Name: Adam Clancy Date: 1/11/03 ER Staff Witness Name: Andrew Thekew Date: 1/11/03

\* If patient is admitted to any other unit or floor prior to Psychiatric unit all belongings are to be kept away from the patient and secured by staff to maintain safety. This form is to accompany patient to Psychiatric unit

## PSYCHIATRIC UNIT PATIENT BELONGINGS INVENTORY AND SAFETY SEARCH

Number of bags with patient: 2, Arrived in Gown Y ☒ N ☐ If No, explain: \_\_\_\_\_

Careful inspection and proper securing of patient's belongings by admitting staff requires:

1) Clothing checked by pulling out pockets, inspecting seams/shoes/socks/cuffs, all compartments of luggage, pocketbooks, etc. Y ☒ N ☐

2) All sharp objects labeled and secured in sharps closet in a labeled bin or bag: Y ☐ N ☐ W/A

3) All smoking materials labeled and secured in sharps closet: Y ☐ N ☐ W/A

PERSONAL ARTICLES OTHER THAN CLOTHING / PLEASE CHECK ALL THAT APPLY:

4) Glasses ☐ Contacts ☐ Hearing Aid ☐ Right Ear ☐ Left Ear ☐ Dentures ☐ Upper ☐ Lower ☐ Partial ☐

5) Prosthesis ☐ Describe: Pt can't hear out of one ear.

6) Jewellery: List W/A Money: Amount \$ \_\_\_\_\_

OTHER: Please Describe: \_\_\_\_\_

7) All valuables sent to security: Y ☒ N ☐ Describe Items \_\_\_\_\_

8) Oriented to Unit Y ☒ N ☐ Patient Guidelines / Rules given Y ☒ N ☐ Patient Rights given Y ☒ N ☐

RN / MHC Signature: Donna Date / Time: 3:45 AM 1/11/03 Patient Signature: \_\_\_\_\_ Date / Time: \_\_\_\_\_

9) Patient given copy of patient belongings inventory and safety search Y ☐ N ☐ If no describe: \_\_\_\_\_

All belongings returned to patient at time of discharge: Y ☐ N ☐ Describe: \_\_\_\_\_

RN / MHC Signature: \_\_\_\_\_ Date / Time: \_\_\_\_\_ Patient Signature: \_\_\_\_\_ Date / Time: \_\_\_\_\_

ORIGINAL: MEDICAL RECORD. PINK COPY: TO PATIENT AFTER ADMIT TO UNIT. YELLOW COPY: TO PATIENT ON DISCHARGE



*Dr. Gomez*

EMERGENCY DEPARTMENT ASSESSMENT FLOW SHEET

TRIAGE CLASS

- ☐ Emergent  
☐ Urgent  
☐ Non-Urgent

TRIAGE TO

- ☐ TX Area  
☐ Health Express  
☐ Pedi Clinic

Date: 1/11/03 Time: 2040 Patient's Name: Aileen Runge DOB: 8/31/55 Age: 87 Sex: M (F)  
Info/Provided By: ☐ Patient ☐ Family ☐ Translator ☐ Other Language Spoke: ☐ English ☐ Other

PRE-HOSPITAL CARE ☐ Gauge ☐ C-Collar ☐ Splint ☐ Other  
☐ O2 ☐ IV ☐ Site ☐ Backboard ☐ Dressing

Date Last Menses  
☐ Normal ☐ Pregnant  
☐ Abnormal

CHIEF COMPLAIN / NURSING HISTORY:

*Bayview Ass. Living*  
*Pt. Called 911 20 Paramedics*  
*(+) Dehydration*  
*(+) Hypertension*  
*Dexters ST/HT*

IMMUNIZATION ☐ Current Child  
Tetanus  
☐ Under 10 years ☐ Unknown  
☐ Over 10 years

Pain Scale 0/10 B/P 200/90 P 88 R    T    WT.    Pulse OX   

Nutritional Status ☐ WNL  
☐ Cachectic ☐ Obese ☐ Wt gain/loss  
Functional Status ☐ Independent  
☐ Blind ☐ HOH ☐ Device/appliance  
☐ Lives with

ALLERGIES (+) NKDA

GENERAL APPEARANCE

- ☒ Healthy Appearance ☒ Thin  
☐ Obese ☐ Frail ☐ Robust  
☐ Unkempt ☐ Other

EXTREMITIES WNL ☐

- ☐ Swelling Site     
☐ Deformity Site     
☐ Pain Site     
☐ Distal Pulse ☐ Present ☐ Absent  
☐ Other

LOC. BEHAVIOR SPEECH

- ☐ Alert ☒ Oriented x (# 2)  
☐ Unconscious ☐ Lethargic  
☐ Other

☐ Unable ABDOMINAL WNL ☐

- ☐ Soft ☐ Non-Tender ☐ Tender  
☐ Rigid ☐ Other

BEHAVIOR

- ☐ Anxious ☒ Cooperative  
☐ Depressed ☐ Uncooperative  
☐ Hostile ☐ Agitated  
☐ Other

☐ Unable GU ASSESSMENT WNL ☐

- ☐ Burning/Frequently ☐ Flank Pain  
☐ Incontinent ☐ Hematuria  
☐ Foley to BSD ☐ Pain  
☐ Other

SPEECH

- ☒ Coherent ☐ Incoherent  
☐ Slurred ☐ Nonverbal  
☐ Other

VISION WNL ☐

- ☐ No difficulty ☐ Glasses  
☐ Intra Ocular Lens ☐ Contacts  
☐ Blind L    R    ☐ Pain  
☐ Blurring ☐ Glaucoma  
☐ Other  
Visual Activity: ☐ N/A  
☐ O.D.    ☐ O.S.    ☐ O.U.

CURRENT MEDICATIONS

*Colace*  
*Ferrous Sulfate*  
*Zestril MOM*  
*NaHCO3*  
*Papil*  
*Prednisone qhs*  
*Tylenol*

NEURO NA ☐

- Reactive L R Pinpoint L R  
Sluggish L R Dilated L R  
Size L    mm R    mm

HEARING NA ☐

- ☐ No difficulty ☐ Pain ☐ Tinnitus  
☐ Hearing Aid R    L     
☐ Other HOH

MEDICAL HISTORY

- ☐ No Previous Health Problems  
☐ Angina ☐ Arthritis ☐ Asthma  
☐ Cancer ☐ Diabetes ☐ Stroke  
☐ Heart Disease ☐ High Blood Pressure  
☐ Kidney Disease ☐ Seizures ☐ Psychiatric HX  
☐ Lung Disease ☐ Substance Abuse

Sensation ☐ WNL

Motor Strength ☐ WNL

Hand Grasp

- Left ☐ Weak ☒ Strong  
Right ☐ Weak ☒ Strong

☐ Unable WOUND WNL ☐

- ☐ Laceration ☐ Pain ☐ P.W.  
☐ Other

*Citric Acid, Ammonia,*  
*Castrol*

DNR Status

ALLEGED / SUSPECTED ABUSE ASSESSMENT

- Domestic Abuse ☐ Yes ☐ No  
Elder Abuse/Neglect ☐ Yes ☐ No  
Child Abuse/Neglect ☐ Yes ☐ No  
Physical Assault ☐ Yes ☐ No  
Rape/other sexual molestation ☐ Yes ☐ No

RESPIRATORY

AIRWAY BREATH SOUNDS

- ☐ Patent R    L     
☒ Cough ☒ Clear ☐  
☐ Dyspnea ☐ Rales ☐  
☐ Other ☐ Wheezes ☐  
☐ Rhonchi ☐  
☐ Diminished

COLOR ACTIVITY LEVEL

- ☐ Pink ☐ Playful  
☐ Pale ☐ Quiet  
☐ Cyanotic ☐ Fussy

TRIAGE INTERVENTION

TEST

- ☐ N/A ☐ Ice ☐ Splint ☐ None  
☐ C-Collar ☐ Dressing ☐ X-ray  
☐ Rings Removed ☐ Lab  
☐ Tylenol/Dose ☐ Records  
☐ Other ☐ EKG

CARDIOVASCULAR

Pulse ☒ Regular ☐ Irregular

Skin Color ☐ Normal ☐ Pale

- ☐ Ashen ☐ Mottled ☐ Cyanotic  
☐ Flushed ☐ Jaundice ☐ Other

CRYING / QUALITY

- ☐ Strong/Normal ☐ Moaning/Highpitched  
☐ Whimpering ☐ Consolable

HYDRATION / MUCUOUS MEMBRANE

- ☐ Moist ☐ Dry

Skin Temperature ☒ Warm ☐ Hot

- ☐ Cool ☒ Dry ☐ Moist ☐ Other

B/L PERIPHERAL EDEMA

- ☐ Yes ☒ No

Head Circumference:

Primary Nurse Signature:

Triage Nurse Signature:

*K. Sullivan*

- ☐ Transfer
- ☐ Restraint
- ☐ Conscious Sedation

:'s Name	Patient No.
----------	-------------

Date \_\_\_\_\_

## Allergy

## NURSES NOTES

[illegible]

RN SIGNATURE (S)

~~RM~~ SIGNATURE (S)

## DISPOSITION

**DISCHARGED**

To:   ☐ Home   ☐ Nursing Home  
         ☐ Other \_\_\_\_\_

Mode: ☐ W/C       ☐ Ambulance  
         ☐ Walk      ☐ Crutches  
         ☐ Carried

Learning Barriers \_\_\_\_\_

Discharge: ☐ Instructions given/  
                                verbalized understanding

Condition on D/C \_\_\_\_\_

## ADMIT

Admit: 458  
☐ Unit  
 Mode:  
☐ Stretcher  
☐ W/C  
 Time: 0300  
 Report Given To: (Name)

## TRANSFER

To: \_\_\_\_\_  
 Mode: ☐ Ambulance ☐ Car  
 Accompanied by: ☐ Family/Friend  
 Time: \_\_\_\_\_  
 Report Given To: \_\_\_\_\_

**OTHER**

☐ AMA ☐ Expired

Post Mortem

☐ Yes ☐ No

☐ ME Case ☐ Time \_\_\_\_\_

DNR Status:

☐ Determined

## PERSONAL EFFECTS

Items

<input type="checkbox"/> Eyeglass	<input type="checkbox"/> Contact Lenses	<input type="checkbox"/> Jewelry
<input type="checkbox"/> Hearing Aid	<input type="checkbox"/> Prosthesis	<input type="checkbox"/> Wallet/Money
<input type="checkbox"/> Dentures:	<input type="checkbox"/> Upper	<input type="checkbox"/> Lower
<input type="checkbox"/> Other	<input type="checkbox"/> Partial	

Disposition

1. With Patient
2. Given to family
3. Safe

- ☐ Transfer  
☐ Restraint  
☐ Conscious Sedation

EMERGENCY DEPARTMENT ASSESSMENT FLOW SHEET

Patient's Name <u>Niles Rung</u>	Patient No.	Date <u>1-11-03</u>	Allergy <u>NKDA</u>
-------------------------------------	-------------	------------------------	------------------------

NURSES NOTES

Time	B/P	HR	Rhythm	R	Temp	O <sub>2</sub> SAT	Pain Scale	I.V.'s Medications, Nurses Notes
8:45	155/73	70		20	99			To Police from Bay View Pt disch from Carney 2 days ago. Today calling police, leaving notes in room. Calling 911 for help. Pt delusional, cooperative. Unconscious saying "Why am I here am I nuts or something" Security ✓ of belongings done. Best team called @ 8:55/P. Wk done dip neg. Pt cooperative resting. Waiting MD Eval + Best team belongings in locker C389. Sleeping waiting for MD eval.
10								
11								Report given to 11-7 Pt enters room

I & O TOTALS

I \_\_\_\_\_  
O \_\_\_\_\_

RN SIGNATURE (S)

Droschinski RN

RN SIGNATURE (S)

DISPOSITION

DISCHARGED	ADMIT	TRANSFER	OTHER																						
To: <input type="checkbox"/> Home <input type="checkbox"/> Nursing Home <input type="checkbox"/> Other Mode: <input type="checkbox"/> W/C <input type="checkbox"/> Ambulance <input type="checkbox"/> Walk <input type="checkbox"/> Crutches <input type="checkbox"/> Carried Learning Barriers _____ Discharge: <input type="checkbox"/> Instructions given/ verbalized understanding Condition on D/C _____	Admit: _____ <input type="checkbox"/> Unit _____ Mode: _____ <input type="checkbox"/> Stretcher <input type="checkbox"/> W/C Time: _____ Report Given To: (Name) _____	To: _____ Mode: <input type="checkbox"/> Ambulance <input type="checkbox"/> Car Accompanied by: <input type="checkbox"/> Family/Friend Time: _____ Report Given To: _____	<input type="checkbox"/> AMA <input type="checkbox"/> Expired Post Mortem <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> ME Case <input type="checkbox"/> Time _____ DNR Status: <input type="checkbox"/> Determined																						
<p>PERSONAL EFFECTS</p> <table border="1"> <thead> <tr> <th>Items</th> <th>Disposition</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Eyeglass</td> <td><input type="checkbox"/> With Patient</td> </tr> <tr> <td><input type="checkbox"/> Contact Lenses</td> <td><input type="checkbox"/> Given to family</td> </tr> <tr> <td><input type="checkbox"/> Hearing Aid</td> <td><input type="checkbox"/> Safe</td> </tr> <tr> <td><input type="checkbox"/> Prosthesis</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Wallet/Money</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Dentures:</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Upper</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Lower</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Partial</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other</td> <td></td> </tr> </tbody> </table>				Items	Disposition	<input type="checkbox"/> Eyeglass	<input type="checkbox"/> With Patient	<input type="checkbox"/> Contact Lenses	<input type="checkbox"/> Given to family	<input type="checkbox"/> Hearing Aid	<input type="checkbox"/> Safe	<input type="checkbox"/> Prosthesis		<input type="checkbox"/> Wallet/Money		<input type="checkbox"/> Dentures:		<input type="checkbox"/> Upper		<input type="checkbox"/> Lower		<input type="checkbox"/> Partial		<input type="checkbox"/> Other	
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<input type="checkbox"/> Other																									

**Carney Hospital**

Caritas Christi Health Care System  
2100 Dorchester Avenue  
Boston, MA 02124-5666  
(617) 296-4000

Name: RUNGE, HELEN A  
Address: MARION MANOR  
City/State/Zip: S.BOSTON, MA 02124  
Age: 87 Sex: F  
Date of Birth: 08/03/1915  
Att. MD: MARKER, SEAN P. MD

MR#: CH00142337  
Acc#: CH0005085873  
Admit Date: 01/12/03  
Disch. Date: 01/22/03  
Loc: 4SE.CH  
Rm: CH403Bed: 01

Medical Records' copy

## PSYCHIATRIC DISCHARGE SUMMARY

> DATE OF ADMISSION: DATE OF DISCHARGE:

**HISTORY OF PRESENT ILLNESS:** The patient is an 87-year-old, Caucasian female with a history of treatment for depression who presented to The Carney Hospital Emergency Room, brought in by ambulance, called by the assisted living facility where she lives. She was sent on January 9, 2003, for a similar evaluation. According to records at that time, the patient was described as being increasingly agitated and angry. The patient reportedly drew up a long list of alternative nursing homes in which she could live. She stated that she had left her room locked and that her papers were missing when she returned, resulting in her becoming angry and screaming.

Nurse, Bernice Garvey, at Bayview, contacted psychologist, Stanley Alexander, Ph.D. at Nova Psychiatric Services who Section 12'd the patient based on staff documentation. The patient is currently living at the Marion Manor Nursing Home and had been assigned to live with a patient with advanced Alzheimer's disease. She reports having a difficult time with her roommate and transferred to her current placement but reports that she is not happy at the room and placement.

The patient was brought back to the emergency room earlier today with reports of ongoing paranoia and loud complaints about other residents at the nursing home stealing her money, ransacking her room and using her card to request medications. The patient was denying feeling depressed but admitted that she was angry. She denied auditory or visual hallucinations. There were no suicidal or homicidal thoughts.

**PAST PSYCHIATRIC HISTORY:** The patient has no formal psychiatric history. Lately, she has been prescribed Paxil by her primary care physician. The patient's daughter, Dorothy Stanley, who lives in North Carolina, reported that the patient was paranoid most of her life but was not hospitalized until recent months. The paranoia has gotten worse since the patient moved into assisted living. The patient was always very private, secretive and did not share any information, even with her daughter. Daughter is the only living relative the patient has. Daughter was out of touch with patient for almost 30 years. Daughter recently became reinvolved and wishes the patient to move to North Carolina to be with daughter.

**MEDICAL HISTORY:** Significant for a history of cataracts, hypertension, hearing loss and gastritis. Primary care physician is Dr. Ronald Gomes of The Carney Hospital.

**MEDICATIONS:** Paxil 20 mg, lisinopril 20 mg q.d., Norvasc 5 mg q.d., hydrochlorothiazide 25 mg q.d., ferrous sulfate 325 mg b.i.d., Colace 100 mg q.d., prednisolone ophthalmic suspension 1 gtt. O.S. q.i.d.

**SOCIAL/FAMILY HISTORY:** The patient has lived at Bayview Nursing Home for three months. Before that, she was at Marion Manor, also for three months, and became more paranoid regarding other residents there. Per daughter, the patient has always been extremely guarded. The patient most trusts Mr. Kelly, who is the patient's healthcare proxy and has the power of attorney. Mr. Kelly has worked with the patient for years. His number is 617-333-7100.



Name: RUNGE, HELEN A

MR#: CH00142337

SUBSTANCE ABUSE HISTORY: There is no known history of drug or alcohol abuse.

MENTAL STATUS EXAM: The patient is pleasant and cooperative with the interview but becomes angry and frustrated when discussing recent events. Her affect is labile. Speech is loud. She is difficult to interrupt. Thought processes are, for the most part, organized. Thought content is preoccupied with possible paranoid delusions regarding her belongings at her assisted living facility. She denies hallucinations. There are no suicidal or homicidal thoughts. The patient is alert. She is oriented to The Carney Hospital. She states correctly the month, day of the week and the date. She was increasingly uncooperative with further cognitive exam and walked out from the interview with demands of discharge. The patient appeared to have no insight into the paranoia, and her judgment was impaired.

HOSPITAL COURSE: The patient was admitted to 4-Southeast, a locked psychiatric unit, initially on a Section 12 and, later, signed a conditional voluntary after further explanation from her healthcare proxy, Mr. Kelly.

At the beginning of admission, the patient was irritable, volatile, angry and paranoid. She was unable to engage in interviews with psychiatrist and was impossible to engage in one-to-one with staff. The patient was started on a small dose of Zyprexa 2.5 mg at bedtime. Higher dose of 5 mg appeared to oversedate the patient. The patient responded nicely to the low dose of this atypical antipsychotic medication with much reduced mood lability, decreased paranoia and increased overall cooperation with treatment. The patient's ADLs were good. Appetite appeared to be very good. The patient had no overt psychotic symptoms.

The case was discussed on an ongoing basis with primary care physician, Dr. Gomes, with the patient's daughter, Dorothy Stanley, and healthcare proxy, Mr. Kelly. The patient's daughter was making plans to have the patient relocated to North Carolina. Bayview Inn Nursing Home refused to have the patient come back, and therefore, the patient was discharged to Sunbridge Nursing Home. She will be followed by Mr. Kelly who will continue arrangements with the patient's daughter to move the patient to North Carolina.

DISCHARGE DIAGNOSES: Axis I: Rule out paranoid delusional disorder.  
Rule out Alzheimer's dementia. Axis II: Deferred. Axis III: Cataracts.  
Hypertension.  
History of gastritis. Axis IV: Possible cognitive decline.  
Difficulties at the nursing home. Axis V: Current GAF - 45.

DISCHARGE MEDICATIONS:

1. Zestril 20 mg p.o. q.a.m.
2. Aricept 5 mg p.o. q.5 p.m.
3. Zyprexa 2.5 mg p.o. q.h.s.
4. Artificial tears 2 gtt. O.U. b.i.d.

DISPOSITION: The patient was discharged to Sunbridge Nursing Home. The patient will be followed by primary care physician, Dr. Ronald Gomes, and will be followed by healthcare proxy and power of attorney, Mr. Kelly.

DD: 01/22/2003 DT: 01/23/2003 TL/942/LF JOB:8041

Dictated by: Feinberg, Lilia MD

Signed by:

**Carney Hospital**  
**Caritas Christi Health Care System**  
 2100 Dorchester Avenue  
 Boston, MA 02124-5666  
 (617) 296-4000

Name: RUNGE, HELEN A  
 Address: MARION MANOR  
 City/State/Zip: S.BOSTON, MA 02124  
 Age: 87 Sex: F  
 Date of Birth: 08/03/1915  
 Att. MD: MARKER, SEAN P. MD

403  
 MR#: CH00142337  
 Acc#: CH0005085873  
 Admit Date: 01/12/03  
 Disch. Date:

Loc: 4SE.CH  
 Rm: CH403Bed: 01

Medical Records' copy

## PSYCHIATRIC ADMISSION NOTES

> DATE OF ADMISSION: 1/12/03

**HISTORY OF PRESENT ILLNESS:** The patient is an 87-year-old Caucasian female with a history of treatment for depression who presents to the Carney Hospital Emergency Room brought in by ambulance, called by the assisted living facility where she lives. She was sent on January 9, 2003 for similar evaluation. According to those records, the patient was described as being increasingly agitated and angry. The patient reportedly drew up a long list of alternative nursing homes in which she could live. She stated that she had left her room locked and that her papers were missing when she returned resulting in her becoming angry and screaming. Nurse Bernice Garvey at BayView contacted the psychologist Stanley Alexander Ph.D. at Nova Psychiatric Services, who Section XII'd the patient based on staff documentation. She is currently living at the Marion Manor Nursing Home and had been assigned to live with a patient with advanced Alzheimer's disease. She reports having a difficult time with her roommate and transferred to her current placement but reports that she is not happy at the room and placement. At the end of her evaluation on January 9, the patient was found not to meet hospital level of care criteria and the BEST clinician contacted the patient's primary care physician who agreed with the clinician that the patient was not psychotic.

Dr. Gomes stated that he had not been thinking about prescribing antipsychotic medication and agreed that the patient should return to the placement where they could arrange for a transfer at a later date. However, the nursing home sent the patient for re-evaluation yesterday after continuing to exhibit paranoid ideation and complaining about people stealing her notes, money and ransacking her room. She also believes they are using her card to request medication for other patients. Otherwise, the patient denies depressed mood but states that she is angry with recent events. She denies any auditory or visual hallucinations or suicidal or homicidal ideation.

**PAST PSYCHIATRIC HISTORY:** The patient has no history of psychiatric treatment but her primary care provider, Dr. Ronald Gomes was prescribing her Paxil 20 mg q.a.m. and the patient reports compliance with this. She has no history of suicidal or homicidal behavior or a history of psychosis.

**PAST MEDICAL HISTORY:** The patient has a history of cataracts, hypertension, hearing loss, gastritis.

Her primary care physician is Dr. Ronald Gomes who saw her last Wednesday.

**CURRENT MEDICATIONS:** Current medications include Paxil 20 mg q.d. Lisinopril 20 mg q.d., Norvasc 5 mg q.d., HCTZ 25 mg q.d., ferrous sulfate 325 mg b.i.d., Colace 100 mg q.d. and Prednisolone ophthalmic suspension 1 drop to the left eye q.i.d. Although the patient indicates she has been compliant with medications, her medications are self administered at her facility.

**PSYCHOSOCIAL HISTORY:** The patient has been living in her current placement since October but reports she is not happy. She states she has been paying \$3000 a month and is not receiving the services she needs. She is concerned because her room is sometimes open when she is out of the apartment. The patient is guarded about staff in the assisted living placement. She is retired from working from the computer area of Edison Company for 30 years. She denies any legal problems

Name: RUNGE, HELEN A

MR#: CH00142337

or any history of substance abuse.

MENTAL STATUS EXAM ON ADMISSION: The patient is pleasant and cooperative with the interview but becomes angry and frustrated when discussing recent events. Sensorium is clear and she is alert and oriented x 3. Affect is irritable with angry mood. Speech is spontaneous and of normal rate but loud volume. Thought process is generally coherent and organized. Thought content is preoccupied with possible paranoid delusions regarding her belongings at her assisted living facility. However she denies any auditory or visual hallucinations or suicidal or homicidal ideation. Cognition is grossly intact, while insight and judgment are limited as a result of her current mental state.

ASSESSMENT AND DIAGNOSES: AXIS I. Adjustment disorder, rule out delusional disorder,

paranoid: AXIS II. Deferred. AXIS III. History of cataracts, hypertension, hearing loss and

gastritis. AXIS IV. Difficult adjustment to current assisted living facility. AXIS V. GAF on admission is 40.

INITIAL TREATMENT PLAN: The patient was admitted to the locked inpatient psychiatric unit 4 Southeast for containment of agitation and potential danger to self and others resulting from paranoid delusions. Previous treatment with Paxil 20 mg q.d. will be continued but any hypertensives ordered will be held pending medical consult due to low blood pressure. Risperdal 1 mg p.r.n. agitation was ordered but until staff at assisted living facility can be contacted regarding the patient's recent behavior. The nature of the patient's eye problem is also unclear and potential over use of steroid drops is of concern and may have contributed to agitated mental status. Otherwise the Unit will provide supportive group therapy and psychoeducation.

DD: 01/12/2003 DT: 01/12/2003 TL/976/SPM JOB:5762

  
Dictated by: MARKER, SEAN P. MD

Signed by:

**Carney Hospital**

Caritas Christi Health Care System  
2100 Dorchester Avenue  
Boston, MA 02124-5666  
(617) 296-4000

**Name:**

RUNGE, HELEN A

**Address:**

MARION MANOR

**City/State/Zip:** S.BOSTON, MA 02124

**Age:** 87 **Sex:** F

**Date of Birth:** 08/03/1915

**Att. MD:** MARKER, SEAN P. MD

**MR#:** CH00142337

**Acc#:** CH0005085873

**Admit Date:** 01/12/03

**Disch. Date:** 01/22/03

**Loc:** 4SE.CH

**Rm:** CH403 **Bed:** 01

Medical Records' copy

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**CONSULTATION**

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> **DATE OF CONSULTATION:** 01/22/03.

**HISTORY OF THE PRESENT ILLNESS:** The patient is an 87-year-old female, a patient with Alzheimer's disease, who is complaining of blockage of both ears and a decrease in hearing. She states this has been going on for several months and she has tried using ear drops without success. She is not having any pain, drainage, vertigo or tinnitus. She does have a history of noise exposure, having worked in factories when she was younger. There is no family history of hearing loss.

**PHYSICAL EXAMINATION:** General: Comfortable, cooperative woman in no acute distress. HEENT: Ears: Small amount of cerumen in both canals, this was removed mechanically. Once it was done it was noted that the canals were clear, the tympanic membranes were intact. Hearing was in the range of 45 decibels bilaterally with poor discrimination scores. Nose: Septum is midline, there were no polyps or purulence. Mouth: Oropharynx is clear, there are no masses or lesions. Pharyngoscopy shows good movement of the vocal cords with no lesions. Neck: No adenopathy.

**ASSESSMENT:**

1. Cerumen impaction. This was removed.
2. Sensory neural hearing loss. The patient is now referred to audiology associates for evaluation of a hearing aid.

**FOLLOW-UP:** She will followup with Dr. Reardon as needed in the future.

**DD:** 01/22/2003 **DT:** 01/22/2003 **TL:** 939/ **JOB:** 7891

**cc:** Edward J Reardon, MD

Dictated by: Taylor, Gary L MD

Signed by:



CARITAS CARNEY HOSPITAL

CONSULTATION FOR

TO DR.

Gross

TE

Helen Rudyk

MR [CH] 14 1337

RUNGE, HELEN A

PLEASE SEE PATIENT IN REFERENCE TO:

SIGNED:

DATE

TIME

FINDINGS:

Asked to see patient. well known to me  
87 y/o h/o MTR, GERD. anxiety. 0/0  
admitted to Maria Manor approx 1 yr ago  
difficulty in roommate. claimed people  
stealing belongings. seeing insects. (see notes p. 1)  
BA transferred to assisted living facility  
10/02 and well initially. started to complain  
about cost of room. people stealing things  
called 911 / elder service etc, etc

as above med bath 200 / Discharge 200 yd  
Hesup 3rd / eye drops  
allergic  
shy retired union worker, divorced, 1 daughter  
6706 V KOTX

on this, back up vs  
she no ridem. mtr chest down  
CV S-S with soft p/son. never too of focal  
apt 136 / 14 5 BK 1.48  
403 33 10 1.2 #3 2000 contigous  
discharge/increase.

Imp than 87 y/o with chronic paranoia. disruptive behavior  
2 A severity sec 7 evaluation / 7 low low anti psychotic  
R's organic etiology. compliance to pay  
#2 40 anemra non def in the par  
will follow

## CARITAS CARNEY HOSPITAL

CONSULTATION FOR

TO DR.

TE

Dr. Kohr / weath

MR CH00142337

CH00142337

RUNGE, HELEN A  
MARKER, CLARA P. NOMR. HELEN A  
MR. CLARA P. NOADM. IN  
YES

PLEASE SEE PATIENT IN REFERENCE TO:

Please evaluate L chest lesion  
? BCC  
? Bx

A. RENDER OPINION ONLY

YES

NO

D. FOLLOW PATIENT WITH ME

YES

NO

B. WRITE ORDERS AS YOU SEE FIT

YES

NO

C. ASSUME CARE OF THIS PATIENT

YES

NO

SIGNED:

R. / L. M.

DATE

TIME

FINDINGS:

87410 Wt. Cx 1.5x1.5 cm  
tender spot on the left chest  
history of trauma to this RD. (1) Check approx 1-2 cm wax placed  
& inflamed skinA. Irritated skin for most likely  
Dent. Tumor i.e. BCCRec: (1) Warm compresses tid x 20 min  
x 1 mo(2) Betadine scrub tid & compresses  
and cover with a band aid

(3) F/U in office 1 mo for reevaluation

SIGNED

K. / M.

Use this side only

Caritas Christi Laboratory \*\*LIVE\*\*  
 Kevin B. Dole, M.D. - Director, Clinical Laboratories  
 Carney Hospital

PAGE: 1

## Discharged Patient Cumulative Report

BATCH #17832

PATIENT	SEX	AGE	DATE OF BIRTH	LOCATION	PRINT DATE
RUNGE, HELEN A	F	87	08/03/1915	CH403-01	01/22/03 @ 1905
MED REC # / ACCT #	ADMIT DATE	DISCH DATE	ATTENDING DOCTOR		
CH00142337 / CH0005085873	01/12/03	01/22/03	MARKER, SEAN P. MD		

## HEMATOLOGY

Date	Time		Reference	Units
01/12/03	1109			
WBC	5.1 (a)		4.5-9.5	k/ul
RBC	3.7 L		4.2-5.4	m/ul
HGB	11.3 L		12.0-16.0	g/dl
HCT	33.1 # L		36-47	%
MCV	90 #		81-99	fl
MCH	31		27-31	pg
MCHC	34		33-37	g/dl
RDW	12.8 L		13.1-15.3	%
PLT	241		150-400	k/ul
MPV	8.7		8.5-9.9	fl
POLY	55		55-75	%
LYMPH	33		20-35	%
MONO	9 H		0-6	%
EOS	2		0-6	%
BASO	1		0-2	%

## CHEMISTRY

Date	Time	01/14/03	01/12/03	Reference	Units
		0600	1109		
GLUCOSE			85	70-108	mg/dl
BUN			15	8-28	mg/dl
CREA			1.2	0.4-1.2	mg/dl
BUN/CREA RATIO			12.5	10-20	
NA			136	135-145	mmol/L
K			5.0	3.5-5.1	mmol/L
CL			103	95-108	mmol/L
CO2			29.3	22-33	mmol/L
ANION GAP			4	3-15	mmol/L
CALCIUM	9.3		9.4	8.5-10.5	mg/dl
BILI, TOTAL			0.7	0.0-1.4	mg/dl
ALK PHOS			80	30-115	U/L
AST/SGOT			22	7-40	U/L
ALT/SGPT			14	6-40	U/L
ALBUMIN			3.4	3.0-5.0	g/dl
ALB/GLOB RATIO			1.0 L	1.1-1.8	

NOTES: (a) CBC CKD BLOOD WARMED BEFORE RESULTING

\*\* CONTINUED ON NEXT PAGE \*\*

MEDICAL RECORDS  
CHART COPY

Caritas Christi Laboratory \*\*LIVE\*\*  
 Kevin B. Dole, M.D. - Director, Clinical Laboratories  
 Carney Hospital

PAGE: 2

**Discharged Patient Cumulative Report**

BATCH #17832

PATIENT	SEX	AGE	DATE OF BIRTH	LOCATION	PRINT DATE
RUNGE, HELEN A	F	87	08/03/1915	CH403-01	01/22/03 @ 1905
MED REC # / ACCT #	ADMIT DATE	DISCH DATE	ATTENDING DOCTOR		
CH00142337 / CH0005085873	01/12/03	01/22/03	MARKER, SEAN P. MD		

**CHEMISTRY (CONT.)**

Date	01/14/03	01/12/03	Reference	Units
Time	0600	1109		
PROTEIN, TOTAL		6.5	6.0-8.0	g/dl
TSH		1.48	0.3-5.0	uIU/ml
B12	353		180-914	pg/ml
IRON	68(b) #		50-170	ug/dl

**SEROLOGY**

Date	01/14/03	Reference	Units
Time	0600		
TRANSFERRIN	212	192-382	mg/dl

NOTES: (b) PLEASE SUBMIT AN ADD ON REQUEST IF TRANSFERRIN TESTING  
 DESIRED. SPECIMENS ARE HELD FOR 7 DAYS.

\*\* END OF REPORT \*\*

MEDICAL RECORDS  
 CHART COPY

CONSULTATIONFORM 11



**Carney Hospital**  
 Caritas Christi Health Care System  
 2100 Dorchester Avenue  
 Boston, MA 02124-5666  
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**Admit Date:** 01/12/03  
**Disch. Date:**

**Loc:** 4SE.CH  
**Rm:** CH403Bed: 01

Medical Records' copy

## PSYCHIATRIC ADMISSION NOTES

> DATE OF ADMISSION: 1/12/03

**HISTORY OF PRESENT ILLNESS:** The patient is an 87-year-old Caucasian female with a history of treatment for depression who presents to the Carney Hospital Emergency Room brought in by ambulance, called by the assisted living facility where she lives. She was sent on January 9, 2003 for similar evaluation. According to those records, the patient was described as being increasingly agitated and angry. The patient reportedly drew up a long list of alternative nursing homes in which she could live. She stated that she had left her room locked and that her papers were missing when she returned resulting in her becoming angry and screaming. Nurse Bernice Garvey at BayView contacted the psychologist Stanley Alexander Ph.D. at Nova Psychiatric Services, who Section XII'd the patient based on staff documentation. She is currently living at the Marion Manor Nursing Home and had been assigned to live with a patient with advanced Alzheimer's disease. She reports having a difficult time with her roommate and transferred to her current placement but reports that she is not happy at the room and placement. At the end of her evaluation on January 9, the patient was found not to meet hospital level of care criteria and the BEST clinician contacted the patient's primary care physician who agreed with the clinician that the patient was not psychotic.

Dr. Gomes stated that he had not been thinking about prescribing antipsychotic medication and agreed that the patient should return to the placement where they could arrange for a transfer at a later date. However, the nursing home sent the patient for re-evaluation yesterday after continuing to exhibit paranoid ideation and complaining about people stealing her notes, money and ransacking her room. She also believes they are using her card to request medication for other patients. Otherwise, the patient denies depressed mood but states that she is angry with recent events. She denies any auditory or visual hallucinations or suicidal or homicidal ideation.

**PAST PSYCHIATRIC HISTORY:** The patient has no history of psychiatric treatment but her primary care provider, Dr. Ronald Gomes was prescribing her Paxil 20 mg q.a.m. and the patient reports compliance with this. She has no history of suicidal or homicidal behavior or a history of psychosis.

**PAST MEDICAL HISTORY:** The patient has a history of cataracts, hypertension, hearing loss, gastritis.

Her primary care physician is Dr. Ronald Gomes who saw her last Wednesday.

**CURRENT MEDICATIONS:** Current medications include Paxil 20 mg q.d., Lisinopril 20 mg q.d., Norvasc 5 mg q.d., HCTZ 25 mg q.d., ferrous sulfate 325 mg b.i.d., Colace 100 mg q.d. and Prednisolone ophthalmic suspension 1 drop to the left eye q.i.d. Although the patient indicates she has been compliant with medications, her medications are self administered at her facility.

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Name: RUNGE, HELEN A  
 MR#: CH00142337  
 or any history of substance abuse.

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ASSESSMENT AND DIAGNOSES: AXIS I. Adjustment disorder, rule out delusional disorder, paranoid. AXIS II. Deferred. AXIS III. History of cataracts, hypertension, hearing loss and gastritis. AXIS IV. Difficult adjustment to current assisted living facility. AXIS V. GAP on admission is 40.

INITIAL TREATMENT PLAN: The patient was admitted to the locked inpatient psychiatric unit 4 Southeast for containment of agitation and potential danger to self and others resulting from paranoid delusions. Previous treatment with Paxil 20 mg q.d. will be continued but any hypertensives ordered will be held pending medical consult due to low blood pressure. Risperdal 1 mg p.r.n. agitation was ordered but until staff at assisted living facility can be contacted regarding the patient's recent behavior. The nature of the patient's eye problem is also unclear and potential over use of steroid drops is of concern and may have contributed to agitated mental status. Otherwise the Unit will provide supportive group therapy and psychoeducation.

DD: 01/12/2003 DT: 01/12/2003 TL/976/SPM JOB:5762

Dictated by: MARKER, SEAN P. MD  
 Signed by:

CARNEY HOSPITAL  
MEDICATION ADMINISTRATION RECORD

PRIM DX: PSYCHOSIS - ANEMIA

RUNGE, HELEN A

CH403-01

RUN DATE-TIME: 01/15/03-0011

ACCT# CH0005085873 MR# CH00142337

ADMIT DATE: 01/12/03

AGE: 87

SEX: F

BSA:

PHYSICIAN: MARKER, SEAN P. MD

HT:

WT:

IBW:

VERIFY: *[Signature]*

FOOD ALLRGY: NONE

ALLERGIES: NO KNOWN DRUG ALLERGIES

START		0701	1501	2301
STOP		1500	2300	0700

\*\*\*\*\* PRN MEDICATIONS \*\*\*\*\*

01/12	MILK OF MAGNESIA 30 ML PO DAILY (1 x 30 ML UNIT DOSE CUP) PRN RX#00382831	(MOM)			
01/12	ACETAMINOPHEN 650 MG PO Q4H (2 x 325 MG TABLET) PRN RX#00382832	(TYLENOL)			
01/12	ALUMINUM/MAGNESIUM/SIMETH SUSP *BULK (MAALOX PLUS SUSP) (150 ML BTL) 30 ML PO Q4H PRN RX#00382833				
01/13	OLANAPINE 2.5 MG PO Q4H (1 x 2.5 MG TABLET) PRN FOR AGITATION RX#00383597	(ZYPREXA)			
	VERIFIED BY: _____				
	VERIFIED BY: _____				



CARNEY HOSPITAL  
MEDICATION ADMINISTRATION RECORD

RUNGE, HELEN A

CH403-01

PRIM DX: PSYCHOSIS - ANEMIA

RUN DATE-TIME: 01/15/03-0011

ADMIT DATE: 01/12/03

PHYSICIAN: MARKER, SEAN P. MD

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ACCT# CH0005085873 MR# CH00142337

AGE: 87

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WT:

IBW:

VERIFY: *[Signature]*

ALLERGIES: NO KNOWN DRUG ALLERGIES

START	0701	1501	2301
STOP	1500	2300	0700

\*\*\*\*\* SCHEDULED MEDICATIONS \*\*\*\*\*

01/12	PAROXETINE HCL 20 MG PO QAM (1 x 20 MG TABLET) (PAXIL) RX#00382826	**** ON HOLD ****	
01/12	LISINOPRIL 20 MG PO QAM (1 x 20 MG TABLET) (ZESTRIL) RX#00382829	0900 <i>[Signature]</i>	
01/13	ARTIFICIAL TEARS OF SOLN *BULK* (15 ML BTL) 2 DROPS TO EACH EYE BID (DRY EYES) RX#00383438	0900 <i>[Signature]</i>	1700
01/13	DONEPEZIL HCL 5 MG PO QPM (1 x 5 MG TABLET) (ARICEPT) RX#00383599		2100
01/14	OLANZAPINE 5 MG PO HS (1 x 5 MG TABLET) (ZYPREXA) D/C RX#00384714		2100
1/15	Zyprexa 2.5 mg PO q HS VERIFIED BY: <i>[Signature]</i>		2100
1/15	Warm compresses to C cheek lesion x 15 minutes tid. DRY. + APPLY Bacitracin - BANTHIO x 1 month VERIFIED BY: <i>[Signature]</i>	0900 1300	2100

**CARNEY HOSPITAL  
MEDICATION ADMINISTRATION RECORD**

PRIM DX: PSYCHOSIS - ANEMIA

**RUNGE, HELEN A**

CH403-01

RUN DATE-TIME: 01/15/03-0011

ACCT# CH0005085873 MR# CH00142337

ADMIT DATE: 01/12/03

AGE: 87

SEX: F

BSA:

PHYSICIAN: MARKER, SEAN P. MD

HT:

WT:

IBW:

FOOD ALLRGY: NONE

VERIFY: *[Signature]*

ALLERGIES: NO KNOWN DRUG ALLERGIES

START		0701	1501	2301
STOP		1500	2300	0700

\*\*\*\*\* SCHEDULED MEDICATIONS \*\*\*\*\*

01/12	PAROXETINE HCL 20 MG PO QAM (1 x 20 MG TABLET)  RX#00382826	(PAXIL)		**** ON HOLD ****	
01/12	LISINAPRIL 20 MG PO QAM (1 x 20 MG TABLET)  RX#00382829	(ZESTRIL)	0900	<i>[Signature]</i>	
01/13	ARTIFICIAL TEARS OP SOLN *BULK* (15 ML BTL) 2 DROPS TO EACH EYE BID  RX#00383438	(DRY EYES)	0900	<i>[Signature]</i>	1700
01/13	DONEPEZIL HCL 5 MG PO QPM (1 x 5 MG TABLET)  RX#00383599	(ARICEPT)			2100
01/14	OLANZAPINE 5 MG PO HS (1 x 5 MG TABLET)  RX#00384714	(ZYPREXA)			2100
1/15	Zyprexa 2.5 mg PO q HS  VERIFIED BY: <i>[Signature]</i>				2100
1/15	Warm compresses to @ cheek lesion x 15 minutes TID. DRY + APPLY Bacitracin + BAND-AID x 1 month  VERIFIED BY: <i>[Signature]</i>		0900 1300		2100

**CARNEY HOSPITAL  
MEDICATION ADMINISTRATION RECORD**

PRIM DX: PSYCHOSIS - ANEMIA

**RUNGE, HELEN A**

CH403-01

ADMIT DATE-TIME: 01/15/03-0011

ACCT# CH0005085873 MR# CH00142337

ADMIT DATE: 01/12/03

AGE: 87

SEX: F

BSA:

PHYSICIAN: MARKER, SEAN P. MD

HT:

WT:

IBW:

VERIFY: *[Signature]*

FOOD ALLERGY: NONE

ALLERGIES: NO KNOWN DRUG ALLERGIES

START	0701	1501	2301
STOP	1500	2300	0700

\*\*\*\*\* PRN MEDICATIONS \*\*\*\*\*

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01/13	OLANZAPINE 2.5 MG PO Q4H (1 x 2.5 MG TABLET) PRN FOR AGITATION RX#00383597	(ZYPREXA)			
	VERIFIED BY: _____				
	VERIFIED BY: _____				



# CARITAS CARNEY HOSPITAL

CONSULTATION FORM

TO DR.

Dr. Kohler

CH00142337

CH00142337

RUNGE, HELEN A  
MARKER, P. NO

SE. HELEN A  
MARKER, P. NO  
ADH IN  
7 YRS

PLEASE SEE PATIENT IN REFERENCE TO:

Please evaluate L cheek lesion  
? BCC  
? Bx

A. RENDER OPINION ONLY	YES	NO	D. FOLLOW PATIENT WITH ME	YES	NO
B. WRITE ORDERS AS YOU SEE FIT	YES	NO			
C. ASSUME CARE OF THIS PATIENT	YES	NO			

SIGNED:

[Signature]

DATE TIME

FINDINGS: 87410 WTR CO 1 w/100 history of  
tender spot on the left cheek  
history of trauma

D. (1) Cheek approx 1-2 cm w/100 plaque  
inflamed skin

A. Irritated skin w/100 mild thick  
tender tumor i.e. BCC

Rec: (1) Warm compresses tid x 20 min  
(2) Bacitracin ointment tid & compresses  
and cover with a band aid  
(3) F/U in office 1 mo for reevaluation

SIGNED

[Signature]

Use this side only

**Tryon Medical Group, P.A.**

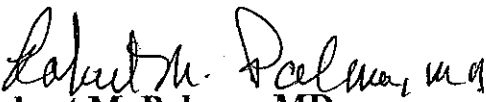
**25 Shields Drive  
Tryon, NC 28782**

**May 12, 2003**

**Dorothy H. Stanley  
5 Stirrup Downs  
Columbus, NC 28722**

**Mrs. Helen Runge was presented to me on May 7, 2003 for a physical examination. The examination included a full chemistry profile and a CBC. Mrs. Runge is an 87 year old woman recently arrived from Massachusetts.**

**The examination showed the patient to be in excellent health and requiring no medication. She was alert and cognition appeared to be intact. She claimed to have been asked to take medications at a nursing home in Massachusetts that she did not think she needed and refused them. She expressed great pleasure at being with her daughter in Columbus, NC and relieved to be away from the Massachusetts facility.**

  
**Robert M. Palmer, MD**



**Tryon Medical Group, P.A.**

**25 Shields Drive  
Tryon, NC 28782**

**Dorothy H. Stanley  
5 Stirrup Downs  
Columbus, NC 28722**

**July 25, 2003**

**Dear Mrs. Stanley,**

**Mrs. Helen Runge was presented to me on May 7, 2003 for a physical examination. The examination included a full chemistry profile and a CBC. Mrs. Runge is an 87 year old woman recently arrived from Massachusetts. The examination showed the patient to be in excellent health and requiring no medication. She was alert and cognition was intact. She claimed to have been asked to take medications at a nursing home in Massachusetts that she did not think she needed and refused them. I prescribed no medication as none was indicated. I recommended that Mrs. Runge be examined by a geriatric psychiatrist to confirm my findings. Doctor B. Rhett Myers, a board certified psychiatrist evaluated Mrs. Runge. He confirmed my findings that Mrs. Runge is competent and able to make her own decisions.**

**I again examined Mrs. Runge on July 25, 2003. She had been to the Audiologist and had a new hearing aid. Her feet had been taken care of by a podiatrist. Her eye is under treatment by an ophthalmologist and her skin lesions have been evaluated by a dermatologist. In my opinion she is now receiving all the specialized health care she requires. She has adjusted well to her new surroundings and she obviously is happy to be with her family. Mrs. Runge is fairing very well without any medication and I prescribed none.**

**I have been asked to give my opinion on whether Mrs. Runge is capable of deciding where she wants to live and if she has the judgment to release the attorney that she had as a healthcare proxy and power of**

attorney and appoint her daughter and son-in-law to perform those functions. In my opinion, she unquestionably has the mental capacity and judgment to make these decisions. She understands the decisions she has made and the impact on her life.

I am familiar with the requirements for guardianship in North Carolina for mentally incompetent patients and Mrs. Runge demonstrates a level of competency as to make a guardian completely unnecessary. She is an 87 year old lady and needs some physical assistance with her day-to-day life but has the capacity to decide what she does or doesn't need.

*Robert M. Palmer, MD*  
Robert M. Palmer, MD



# Upstate Psychiatry, P.A.

B. Rhett Myers, M.D.

Board Certified in Psychiatry  
Board Certified in Addiction

Mario E. Galvarino, M.D.

Board Certified in Psychiatry

Frank B. Miller, M.D.

Board Certified in Psychiatry  
Board Certified in Child Adolescent Geriatric

Millard C. Trott, M.D.

Board Certified in Psychiatry

DATE:

5/30/05

PATIENT:

Walter Rungo

SSN:

023-05-1066

DOB:

8/3/15

To Whom It May Concern:

Walter Rungo

has been under my care for the following:

Psychiatric evaluation for mental competency  
on 5/30/05.

Remarks:

Mentally competent and able  
to make decisions about financial affairs.  
Further psychiatric treatment is not  
indicated at this time.

Sincerely,

B Rhett Myers

B. Rhett Myers, MD

Frank B. Miller, MD

Millard C. Trott, MD

Mario Galvarino, MD

All Psychiatric Services • Adult, Child, Geriatric

15 South Main St, Suite 502

Greenville, SC 29601

864-370-1700 1-800-297-PSYC (7792)

FAX 864-370-0904

**MERIDIAN HEALTH ASSOCIATES**  
On-Site Ancillary Care

Han W. Dong, O.D., Optometry

June 5, 2003

Re: Helen Runge, D.O.B. 08/03/1915

Examination Date: February 25, 2003

Health Status: Depression, Paranoia

Medications: Zestril, Aricept, Zyprexa, Artificial Tears

Alert, Oriented, Cooperative

Vision Corrected: O.D. +1.00 = -2.50 x 138, 20/50

O.S. +3.25 = -2.50 x 28, Finger Count @ 8'

Ocular Motility, Pupil Reflexes; normal limits

Slit Lamp; unremarkable

O.U.; PCIOL's, with O.S. capsular opacity

Fundus: Hazy Views; appears unremarkable for current condition

Tonometry: O.D. 15, O.S. 15

Best Refraction: O.D. +.75 = - 2.00 x 145

O.S. Unstable refraction results

Impression: S/P Cataracts, with O.S. hazy capsule

Current glasses, satisfactory vision

Plan: Continue artificial tears

Monitor/Follow Up six months

## Blue Ridge Laser Eye Associates

PAGE 1

Thomas C. Perraut, M.D. • Michael J. Sowa, O.D. • Sara L. Lassiter, O.D.

Name: Runge, Helen I.D. #: 15352 Age 87 Date: 6/14/03  
 Referred By: \_\_\_\_\_ Allergies: NKA YES ☐  
 CC N-CE (CoAG by Hx, MEDS: B+L-Tears-on-TID-QID  
 HPI \_\_\_\_\_ MVI-  
 PMH 1) needs new D-Rx, -taken from an abusive  
 FH nursing home in Mass. - (kept glasses for D.Vn)  
 SH 2) leaders are doing fine - reads alot  
 ROS Readass

Health History Dated Today ☒  
 Tech. Initials: BS Reviewed ☐  
 Examination: Updated ☐

**W**  $+1.75 + 2.75 \times 0.5^0$   
 $+3.75 + 2.50 \times 1.25$   
**MR**  $-0.75 + 1.50 \times 0.60^{20/50^{12}}$   $+3.25 \text{ NI}$   
 $+1.50 + 0.50 \times 1.80^{20/10^2}$   $+3.25 \text{ NI}$

## GLARE/MIOSIS

ST

DIL @ 11:12 **(NM)** M M1/2 C  
 POSTERIOR SEGMENT

**V** 20/60+2 PH NSF ABN OD OU OS  
3.5  
 PUPILS ☐ ☐  
 EOMS ☐ ☐  
 Fields ☐ ☐ NR 6 INQ  
 Cross Cover ☐ ☐ X'cu  
 External ☐ ☐  
 ADNEXA ☐ ☐

**NSF ABN OD OU OS**  
 VIT ☐ ☐ PVD  
 DISC ☐ ☐ 0.4 V78 0.3  
 CD ☐ ☐  
 V ☐ ☐  
 M ☐ ☐ Hedgus APE's Hedgus APE's  
 P ☐ ☐ lattice poor view  
infer

## SLIT LAMP EXAMINATION

Lids ☐ ☐ 2mm papaloma  
 Lashes ☐ ☐ 2 scales  
 Tear Film ☐ ☐  
 Conj. ☐ ☐  
 Cornea ☐ ☐ from A's BMD 1-2+SPK  
 A.C. ☐ ☐  
 Iris ☐ ☐  
 Lens ☐ ☐ 1cc cent  
 P.C. ☐ ☐ clear 2-3+PCO  
 @ 10:56 11:12  
 G 14 17  
 T 14 14  
 Oriented ☐ ☐  
 Mood/Affect ☐ ☐

## IMPRESSION/MEDICAL DECISION MAKING:

AMD - mild-discussed  
PCO OS - discussed  
psendophakia

## PLAN: COUNSELING &amp; COORDINATION OF CARE

R.V. 4 D W **(M)** Y SFU LFU CE AG DILAM/PM **(B)** FIELDS REF MOT PDL OFC SURG.

ASC CB \_\_\_\_\_

MEDS: art tears OU QID  
Systeme Samp 2407507  
exp 2/04

LAB: \_\_\_\_\_

RX: Hold

NOTE: Will cont to watch Zolfer  
now will hold off on drops  
May add gts later. Can have

L.V. IVAG-OS if wantsSCRIBE: JS for TCPRV Date: 10-3-03 10:20

FOOT AND ANKLE CENTER OF THE CAROLINAS, P.A.

279 Shiloh Road, Forest City, NC 20843  
Phone: 828-245-6405; Fax: 828-245-3923

37 Wilderness Road, Tryon, NC 28782  
Phone: 828-859-5281; Fax: 828-859-6933

Jerry L. Gross, D.P.M.

Patient: RUNGE, HELEN  
Date: 5/22/2003

Chief Complaint:

The patient presents to the office with the chief complaint of pain on the left hallux nail and all nails are long.

Physical Exam:

The patient is female. She is 87 years old. Her date of birth is 8/3/15. Her height is 5' 2". The patient weighs 112 lbs. Her pulse is 54 beats/minute. The patient's blood pressure is (R) 155/60, (L) 160/70. O2: 98%

The patient generally looks well developed and well nourished. Normally alert to person, place and time. Mood: normal.

The skin of the feet is normal in appearance. The patient's vascular status is normal in both feet. She has palpable pulses, both dorsalis pedis and posterior tibial, that are graded at 2/4. The patient has no hair growth to both feet. The skin on the feet has a normal look, feel and thickness. Temperature of the feet is cooler than normal. Capillary filling time is > 3 seconds. No aneurysm was palpated in either popliteal spaces. There are no other signs that would indicate a concern with the vascular status of the patient's feet and lower extremity.

The patient has abnormal sensation to the feet bilaterally. There is an abnormal response noted to light touch, sharp/dull sensation, temperature change, and proprioception. Use of a monofilament touch testing device shows abnormal responses dorsally and plantarly, bilat. She reports no abnormal sensations or feeling to the ankles.

Shoe size: 9 1/2

Review of Systems:

Patient: RUNGE, HELEN Date: 5/22/2003 Page: 2

Eyes: Cataracts

Ear, Nose, Throat and Mouth: Has hearing aid

Hematological/Lymphatic: Anemia

Neurological: Hypoesthetic feet

No other problem was noted in a review of systems with the patient.

Past, Family and Social History:

The patient has no known drug allergies.

The patient denies taking any prescription medications at this time.

The patient has had the following surgeries: Cataracts-1998, T&A

The patient is not diabetic.

Social history: non contributory.

Primary Care Physican: Robert Palmer, MD

Diagnosis:

Abcess toe 681.1 (L) Hallux, lateral aspect

Onychomycosis 110.1

Callous 700 Sub left 1st Met head

Treatment:

I discussed with the patient general issues about how to care for her feet given her current condition and situation. I discussed nail care. Suggestions for what she might be able to do were made. Foot care as it relates to the current concern was also covered.

I opened the abcessed area by sharp dissection of devitalized or necrotic tissue to allow the area to drain. Fluid was drained from the lesion. ABx dressing applied.

The nails were debrided bilaterally with nail nippers and then ground with an electric grinder to smooth the ends and reduce thickness. A curette was used to clean gryphotic material from the paronychia borders. Hyperkeratotic tissue noted above were debrided by sharp dissection using a beaver chisel blade to get relief of pressure and/or pain. The patient is to return to the office on an as needed basis for follow-up on this problem. She was encouraged to call if there are any questions or concerns.

JG

David A. Wagner, D.M.D.  
P.O. Box 275  
Columbus, NC 28722  
(828) 894-8291

Service Rendered: 09-03-2003

Ben A. Runge  
5 Stirrup Downs Lane  
Columbus, NC 28722  
Pat. SSN#: 023-05-1066 DOB: 08-03-1915  
Patient #: 07695

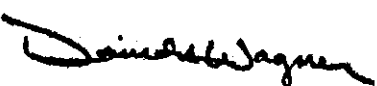
Family Balance Prior To This Visit Was: 0.00

Procedure Code Description	Tooth & Surface	Amount
D0210 Intraoral - Complete Series (Including Bitewings)		74.00
D2920 Recement Crowns	11	81.00

Total This Visit: 155.00  
Plus Prior Balance: 0.00  
Less Check #140 Of: 155.00  
=====

Today's Charges : 155.00  
Primary Ins. Should Pay : 0.00  
Secondary Ins. Should Pay : 0.00  
Patient Should Pay : 0.00

New Family Balance: 0.00

  
-----  
Doctor's Signature (If Required For Insurance)  
TIN #: 680506030 License #: 5756

CILITY : THE BAY VIEW

PATIENT : HELEN RUNGE

X : F

ALLERGIES : NO KNOWN ALLERGIES

H.DIAG : ANEMIA; IRON DEFICIENCY, UNSPECIFIED; PER- NICTIOUS --CATARACTS

FACILITY ID :

STATION :

ROOM :

CURRENT PATIENT STATUS : PVT

ADM. DATE : 11/18/02

CARDHOLDER ID :

BIRTHDATE : 08/03/15

P R E S C R I P T I O N   H I S T O R Y  
FROM 10/01/02 THROUGH 06/11/03

#	ORIGINAL ORDER ORDER DATE	DISCON- TINUE DATE	NUMBER OF FILLS	MAX ALLOW REFILLS	DESCRIPTION	QTY	DIRECTIONS	PAT. STA TUS	PHYSICIAN NAME
767966	11/18/02	02/20/03	4	5	LISINAPRIL (IC:ZESTRIL) 20MG TABLET	31	1 TAB BY MOUTH EVERY DAY	PVT	RONALD GOMEZ
767967	11/18/02	02/20/03	4	5	NORVASC 5MG TABLET	31	1 TAB BY MOUTH EVERY DAY	PVT	RONALD GOMEZ
767968	11/18/02	02/20/03	3	5	PAXIL (PAROXETINE) 20MG TABLET	31	1 TAB BY MOUTH EVERY DAY	PVT	RONALD GOMEZ
767971	11/18/02	02/20/03	4	5	DSS (IC COLACE) 100MG CAPSULE	31	1 CAP BY MOUTH EVERY DAY	PVT	RONALD GOMEZ
767972	11/18/02	02/20/03	4	5	FERROUS SULFATE 325MG TABLET	62	1 TAB BY MOUTH TWICE DAILY	PVT	RONALD GOMEZ
768356	11/19/02	11/19/02 12/04/02	1	5	MILK OF MAGNESIA LIQUID	360	30CC BY MOUTH EVERY 4 HOURS TO EVERY 6 HOURS AS NEEDED	PVT	RONALD GOMEZ
768356	11/19/02	11/19/02	1	11	ACETAMINOPHEN (IC:TYLENOL ) 325MG TABLET	50	1 TAB OR 2 BY MOUTH EVERY 6 HOURS AS NEEDED	PVT	RONALD GOMEZ
768357	11/19/02	11/19/02	1	11	TEARS NB (IC:TEARS NATURALE) DROPS	15	PLACE 1 DROP IN EYES TWICE DAILY AS NEEDED	PVT	RONALD GOMEZ
771694	12/03/02	12/03/02	1	0	PREDNISOLONE ACETATE 1% SUSPENSION	5	1-DROP LEFT EYE FOUR TIMES DAILY	PVT	RONALD GOMEZ
771957	11/19/02	12/04/02	1	5	MILK OF MAGNESIA LIQUID	360	30CC BY MOUTH EVERY 4 HOURS TO EVERY 6 HOURS AS NEEDED	PVT	RONALD GOMEZ

2100 DORCHESTER AVE  
DORCHESTER CENTRAL MA 01924

## PATIENT BILLING SUMMARY REPORT

From: PELHAM HEALTH CARE SERVICES CORP - 12 PLEASANT STREET - BROOKLINE, MA 02446

For: HELEN A RUNGE (Facility: THE BAY VIEW)

For Order Dates From 10/01/2002 Through 05/01/2003

617-296-400

Ext- 4900

ORDER... DATE	BILL.... DATE	ORDER... NUMBER	ITEM DESCRIPTION.....	BRAND/ GENERIC	RX/ OTC	NEW/ REFILL	RESPONSIBLE PARTY	PATIENT STATUS	QUANTITY	DAYS BILLED	AMT SPLY	PHYSICIAN NAME DEA NUMBER
11/18/02	11/18/02	R767966	LISINAPRIL (IC:ZESTRIL) 20MG TABLET NDC: 00172376070 AUTH: SCFEPME	GENERIC	RX	NEW	4 PAID	PRIVATE	32	32	24.06 0.00	GOMEZ RONALD BG1926356
11/18/02	11/18/02	R767967	NORVASC 5MG TABLET NDC: 00069153068 AUTH: SCFEQFR	BRAND	RX	NEW	4 PAID	PRIVATE	32	32	36.40 0.00	GOMEZ RONALD BG1926356
11/18/02	11/18/02	R767968	PAXIL (PAROXETINE) 20MG TABLET NDC: 00029321120 AUTH: 3EDXLND	BRAND	RX	NEW	4 PAID	PRIVATE	32	32	74.63 0.00	GOMEZ RONALD BG1926356
12/03/02	12/03/02	R771694	PREDNISOLONE ACETATE 1% SUSPENSION NDC: 61314063705 AUTH: 3E3WMM9	GENERIC	RX	NEW	4 PAID	PRIVATE	5	14	10.96 0.00	GOMEZ RONALD BG1926356
12/20/02	12/22/02	R767966	LISINAPRIL (IC:ZESTRIL) 20MG TABLET NDC: 00172376070 AUTH: 3FWE3TF	GENERIC	RX	REFILL	4 PAID	PRIVATE	31	31	28.81 0.00	GOMEZ RONALD BG1926356
12/20/02	12/22/02	R767967	NORVASC 5MG TABLET NDC: 00069153068 AUTH: 3FWE3TH	BRAND	RX	REFILL	4 PAID	PRIVATE	31	31	35.13 0.00	GOMEZ RONALD BG1926356
12/20/03	02/20/03	R767968	PAXIL (PAROXETINE) 20MG TABLET NDC: 00029321120 AUTH: 5HCKPRF	BRAND	RX	REFILL	4 PAID	PRIVATE	28	28	66.26 0.00	GOMEZ RONALD BG1926356
							***				276.25	
							***				276.25	
11/18/02	11/30/02	R767966	LISINAPRIL (IC:ZESTRIL) 20MG TABLET NDC: 00172376070 AUTH: SCFEPME	GENERIC	RX	REFILL	5526 RUNGE	PRIVATE	32	32	4.00 0.00	GOMEZ RONALD BG1926356
11/18/02	11/30/02	R767967	NORVASC 5MG TABLET NDC: 00069153068 AUTH: SCFEQFR	BRAND	RX	REFILL	5526 RUNGE	PRIVATE	32	32	6.00 0.00	GOMEZ RONALD BG1926356
11/18/02	11/30/02	R767968	PAXIL (PAROXETINE) 20MG TABLET NDC: 00029321120 AUTH: 3EDXLND	BRAND	RX	REFILL	5526 RUNGE	PRIVATE	32	32	6.00 0.00	GOMEZ RONALD BG1926356
11/18/02	11/30/02	R767971	DSS (IC COLACE) 100MG CAPSULE NDC: 00364011302	GENERIC	RX	NEW	5526 RUNGE	PRIVATE	32	32	3.20 0.00	GOMEZ RONALD BG1926356
11/18/02	11/30/02	R767972	FERROUS SULFATE 325MG TABLET NDC: 00182402810	GENERIC	RX	NEW	5526 RUNGE	PRIVATE	64	32	6.40 0.00	GOMEZ RONALD BG1926356
11/19/02	11/30/02	R768355	MILK OF MAGNESIA LIQUID NDC: 00904078814	GENERIC	OTC	NEW	5526 RUNGE	PRIVATE	360	31	4.73 0.23	GOMEZ RONALD BG1926356
11/19/02	11/30/02	R768356	ACETAMINOPHEN (IC:TYLENOL ) 325MG TABLET NDC: 50844010416	GENERIC	OTC	NEW	5526 RUNGE	PRIVATE	50	31	5.25 0.25	GOMEZ RONALD BG1926356



## PATIENT BILLING SUMMARY REPORT

From: PELHAM HEALTH CARE SERVICES CORP - 12 PLEASANT STREET - BROOKLINE, MA 02446

For: HELEN A RUNGE (Facility: THE BAY VIEW)

For Order Dates From 10/01/2002 Through 05/01/2003

ORDER... DATE	BILL... DATE	ORDER... NUMBER	ITEM DESCRIPTION.....	BRAND/ GENERIC	RX/ OTC	NEW/ REFILL	RESPONSIBLE PARTY	PATIENT STATUS	QUANTITY	DAYS BILLED	AMT SPLY	PHYSICIAN NAME TAX AMT DEA NUMBER
1/19/02	11/30/02	R768357	TEARS N8 (IC: REARS NATURALE) DROPS NDC: 00904501835	GENERIC	OTC	NEW	5526 RUNGE	PRIVATE	15	31	4.73 0.23	GOMEZ RONALD BG1926356
2/03/02	12/31/02	R771694	PREDNISOLONE ACETATE 1% SUSPENSION NDC: 61314063705 AUTH: 3E3WMM9	GENERIC	RX	REFILL	5526 RUNGE	PRIVATE	5	14	4.00 0.00	GOMEZ RONALD BG1926356
2/04/02	12/31/02	R771957	MILK OF MAGNESIA LIQUID NDC: 00904078814	GENERIC	OTC	NEW	5526 RUNGE	PRIVATE	360	31	4.73 0.23	GOMEZ RONALD BG1926356
2/20/02	12/31/02	R767971	DSS (IC COLACE) 100MG CAPSULE NDC: 00364011302	GENERIC	RX	REFILL	5526 RUNGE	PRIVATE	31	31	3.10 0.00	GOMEZ RONALD BG1926356
2/20/02	12/31/02	R767972	FERROUS SULFATE 325MG TABLET NDC: 00182402810	GENERIC	RX	REFILL	5526 RUNGE	PRIVATE	62	31	6.20 0.00	GOMEZ RONALD BG1926356
2/20/02	12/31/02	R767966	LISINAPRIL (IC: ZESTRIL) 20MG TABLET NDC: 00172376070 AUTH: 3FWE3TF	GENERIC	RX	REFILL	5526 RUNGE	PRIVATE	31	31	4.00 0.00	GOMEZ RONALD BG1926356
2/20/02	12/31/02	R767967	NORVASC 5MG TABLET NDC: 00069153068 AUTH: 3FWE3TH	BRAND	RX	REFILL	5526 RUNGE	PRIVATE	31	31	6.00 0.00	GOMEZ RONALD BG1926356
1/20/03	01/31/03	R767966	LISINAPRIL (IC: ZESTRIL) 20MG TABLET NDC: 00172376070	GENERIC	RX	REFILL	5526 RUNGE	PRIVATE	31	31	32.81 0.00	GOMEZ RONALD BG1926356
1/20/03	01/31/03	R767967	NORVASC 5MG TABLET NDC: 00069153068	BRAND	RX	REFILL	5526 RUNGE	PRIVATE	31	31	41.13 0.00	GOMEZ RONALD BG1926356
1/20/03	01/31/03	R767968	PAXIL (PAROXETINE) 20MG TABLET NDC: 00029321120	BRAND	RX	REFILL	5526 RUNGE	PRIVATE	31	31	78.18 0.00	GOMEZ RONALD BG1926356
1/20/03	01/31/03	R767971	DSS (IC COLACE) 100MG CAPSULE NDC: 00364011302	GENERIC	RX	REFILL	5526 RUNGE	PRIVATE	31	31	3.10 0.00	GOMEZ RONALD BG1926356
1/20/03	01/31/03	R767972	FERROUS SULFATE 325MG TABLET NDC: 00182402810	GENERIC	RX	REFILL	5526 RUNGE	PRIVATE	62	31	6.20 0.00	GOMEZ RONALD BG1926356
2/20/03	02/28/03	R767966	LISINAPRIL (IC: ZESTRIL) 20MG TABLET NDC: 00172376070	GENERIC	RX	REFILL	5526 RUNGE	PRIVATE	28	28	29.92 0.00	GOMEZ RONALD BG1926356
2/20/03	02/28/03	R767967	NORVASC 5MG TABLET NDC: 00069153068	BRAND	RX	REFILL	5526 RUNGE	PRIVATE	28	28	38.62 0.00	GOMEZ RONALD BG1926356
2/20/03	02/28/03	R767971	DSS (IC COLACE) 100MG CAPSULE NDC: 00364011302	GENERIC	RX	REFILL	5526 RUNGE	PRIVATE	28	28	2.80 0.00	GOMEZ RONALD BG1926356
2/20/03	02/28/03	R767972	FERROUS SULFATE 325MG TABLET NDC: 00182402810	GENERIC	RX	REFILL	5526 RUNGE	PRIVATE	56	28	5.60 0.00	GOMEZ RONALD BG1926356
2/20/03	02/28/03	R767968	PAXIL (PAROXETINE) 20MG TABLET NDC: 00029321120 AUTH: 5HCKPWF	BRAND	RX	REFILL	5526 RUNGE	PRIVATE	28	28	7.30 0.00	GOMEZ RONALD BG1926356

## PATIENT BILLING SUMMARY REPORT

From: PELHAM HEALTH CARE SERVICES CORP - 12 PLEASANT STREET - BROOKLINE, MA 02446

For: HELEN A RUNGE (Facility: THE BAY VIEW)

For Order Dates From 10/01/2002 Through 05/01/2003

DER...	BILL....	ORDER...	ITEM DESCRIPTION.....	BRAND/	RX/ NEW/	RESPONSIBLE	PATIENT	QUANTITY	DAYS	BILLED	AMT	PHYSICIAN NAME
TE	DATE	NUMBER		GENERIC	DTC	REFILL	PARTY	STATUS	SPLY	TAX	AMT	DEA NUMBER
								***			314.00	
											314.00	
								***			590.25	

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BlueCross BlueShield  
of Massachusetts

# MEDEX CLAIM SUMMARY

000091219

PAGE 1 OF 1

This notice explains how we processed your claims; it is not a bill. Please look this over carefully. On the back, we've explained what you should do if you have any questions or disagree with how we processed your claims. Please keep this for your tax and medical records.

PROVIDER/ SERVICES	DATES OF SERVICE	UNITS	AMOUNT CHARGED	MEDICARE ALLOWED	MEDEX ALLOWED	YOUR CO-INS	BENEFITS	YOUR BALANCE	N C
MEDEX CLAIM #: 3003305371800 MEDICARE CLAIM #: 3227480530000									
PROVIDER: BLUE RIDGE EYE LASER EYE A									
OUTPATIENT SURGERY	11/12/03-11/12/03	1	219.00	201.46	40.29	0.00	40.29	17.54	
TOTAL			219.00	201.46	40.29	0.00	40.29	17.54	A
A-EXCEPT WHERE PROHIBITED BY STATE LAW, PROVIDERS LOCATED OUTSIDE OF MASSACHUSETTS, WHO DO NOT ACCEPT MEDICARE ASSIGNMENT, MAY BILL YOU FOR UP TO 95% ABOVE THE MEDICARE ALLOWED AMOUNT. (2801) B-MEDICARE PAYS FIRST ON THESE SERVICES. BLUE CROSS AND BLUE SHIELD THEN MAKES PAYMENT AS YOUR SECONDARY PAYER. THE ABOVE AMOUNT REPRESENTS OUR COVERAGE ON THIS CLAIM. (2802)									
GRAND TOTAL			219.00	201.46	40.29	0.00	40.29	17.54	

ID NUMBER/ HIC NUMBER	MEMBER NAME	DATE
XXA008029612 Q23051066A	HELEN A RUNGE	12/12/03

B21

HELEN A RUNGE  
C/O DOROTHY STANLEY  
5 STIRRUP DOWNS  
COLUMBUS NC 28722-9574

## Tryon Family Physicians, PA

SERVICE DATE	DESCRIPTION OF TRANSACTION	CHARGE	INSURANCE PAYMENT	INSURANCE ADJUSTMENT	PATIENT PAYMENT	BALANCE
Helen Runge (GC003190) Robert Palmer M.D.						
11/05/03	Inv # 23278 (HDC)					
11/05/03	90481 Influenza vaccine, with a visit					
11/05/03	99211 Office Visit, Estab, Level 1	\$27.00				
11/05/03	90458 Flu vaccine, 3 yrs, in	\$15.00				
11/05/03	00008 Administration of Influenza Virus Vaccine Patient Due	\$5.00				\$3.86
Helen Runge (GC003190) Robert Palmer M.D.						
11/07/03	Inv # 23336 (HDC)					
11/07/03	V03.82 Streptococcus pneumoniae (pneumococcal)					
11/07/03	99211 Office Visit, Estab, Level 1	\$27.00				
11/07/03	90732 Pneumococcal vaccine	\$18.62				
11/07/03	00009 Administration of Pneumonia Vaccine Ins Pending - Pat Copay Due: \$0.00	\$7.00				\$52.62

Please call our office with any billing questions, 828-694-5494.

CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	PLEASE PAY THIS AMOUNT	\$3.86
\$0.00	\$56.48	\$0.00	\$0.00	\$0.00	PENDING INSURANCE	\$52.62
STATEMENT DATE	LAST PAYMENT DATE	ACCOUNT NO.			ACCOUNT BALANCE	\$56.48
12/17/2003	04/14/2004	RMH00001				

Please make checks payable to Tryon Family Physicians, PA



THE RIDGE LASER EYE ASSOCIATE  
2 HOSPITAL DRIVE  
COLUMBUS, NC 28722

PHONE #: 828-894-3037  
FED ID#: 56-1370288  
# DOCTOR  
3 MICHAEL J. SOWA, O.D.

ID#

MRS HELEN A RUNGE  
5 STIRRUP DOWNS LANE  
COLUMBUS, NC 28722

01-53-52 40.29 11/19/03 1  
ACCOUNT# AMT DUE DATE PG

DATE	DIAG	CPT/MOD	SERVICE/PROCEDURE	DR NAME	LOC	AMOUNT	BALANCE
			PREVIOUS BALANCE			219.00	219.00
11/19/03	366.53	99024	POST-OP	3 HELEN A	11	.00	219.00
11/19/03	366.53	92015	REFRACTION	3 HELEN A	11	28.00	247.00
11/19/03			PAYMENT, BRE PERSONAL C	3 HELEN A	11	-28.00	219.00
			CHARGES PENDING INSURANCE			-178.71	40.29

ck#171

28.00

11.19.03

40.29	.00	.00	.00	.00	40.29
CURRENT	OVER 30	OVER 60	OVER 90	OVER 120	AMT DUE

PLEASE PAY BALANCE DUE

(pending insurance)

**OLINAS, P.A.**[illegible]



BlueCross BlueShield  
of Massachusetts

# MEDEX CLAIM SUMMARY

000078885

PAGE 1 OF 1

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PROVIDER/ SERVICES	DATES OF SERVICE	UNITS	AMOUNT CHARGED	MEDICARE ALLOWED	MEDEX ALLOWED	YOUR CO-INS	BENEFITS	YOUR BALANCE	MSG. CODE
MEDEX CLAIM #: 3003288557700 MEDICARE CLAIM #: 2817488640000									
PROVIDER: BLUE RIDGE EYE LASER EYE A									
OFFICE VISITS	10/03/03-10/03/03	1	53.00	48.18	9.64	0.00	9.64	4.81	
TOTAL			53.00	48.18	9.64	0.00	9.64	4.81	AB
A-EXCEPT WHERE PROHIBITED BY STATE LAW, PROVIDERS LOCATED OUTSIDE OF MASSACHUSETTS, WHO DO NOT ACCEPT MEDICARE ASSIGNMENT, MAY BILL YOU FOR UP TO 15% ABOVE THE MEDICARE ALLOWED AMOUNT. (2801) B-MEDICARE PAYS FIRST ON THESE SERVICES. BLUE CROSS AND BLUE SHIELD THEN MAKES PAYMENT AS YOUR SECONDARY PAYER. THE ABOVE AMOUNT REPRESENTS OUR COVERAGE ON THIS CLAIM. (2802)									
GRAND TOTAL			53.00	48.18	9.64	0.00	9.64	4.81	

ID NUMBER/ HIC NUMBER	MEMBER NAME	DATE
XXA008029612 023051066A	HELEN A RUNGE	10/24/03

B21

HELEN A RUNGE  
C/O DOROTHY STANLEY  
5 STIRRUP DOWNS  
COLUMBUS NC 28722-9574



TOTAL FEE 0.00



ICD-9-CM DIAGNOSIS

V10.83 History of melanoma

V10.82 History of skin cancer

<input type="checkbox"/> 682.9 Abscess	<input type="checkbox"/> 529.0 Glossitis	<input type="checkbox"/> 696.5 Pityriasis alba
<input type="checkbox"/> 692.3 Acneform drug eruption	<input type="checkbox"/> 695.89 Granuloma annulare	<input type="checkbox"/> 696.2 Pityriasis lichenoides
<input type="checkbox"/> 706.1 Acne vulgaris	<input type="checkbox"/> 228.01 Hemangioma	<input type="checkbox"/> 696.3 Pityriasis rosea
<input type="checkbox"/> 706.1 Acne keloidalis	<input type="checkbox"/> 054.8 Herpes simplex	<input type="checkbox"/> 709.0 Poikiloderma
<input type="checkbox"/> 692.74 Actinic elastosis	<input type="checkbox"/> 053.10 Herpes zoster	<input type="checkbox"/> 692.72 Polymorphous light eruption
<input type="checkbox"/> 704.01 Alopecia areata	<input type="checkbox"/> 705.83 Hidradenitis suppurativa	<input type="checkbox"/> 277.1 Porphyria
<input type="checkbox"/> 704.00 Alopecia, premature (male, female)	<input type="checkbox"/> 704.1 Hirsutism (hypertrichosis)	<input type="checkbox"/> 757.32 Port wine stain
<input type="checkbox"/> 704.09 Alopecia, scarring	<input type="checkbox"/> 780.8 Hyperhidrosis	<input type="checkbox"/> 698.2 Prurigo
<input type="checkbox"/> 704.02 Alopecia, telogen effluvium	<input type="checkbox"/> 757.1 Ichthyosis	<input type="checkbox"/> 698.9 Pruritis
<input type="checkbox"/> 895.1 Angioedema	<input type="checkbox"/> 692.89 Id reaction (autoeczema)	<input type="checkbox"/> 696.1 Psoriasis
<input type="checkbox"/> 528.2 Aphthous stomatitis (ulcers)	<input type="checkbox"/> 043.3 Immunodeficiency	<input type="checkbox"/> 287.2 Purpura
<input type="checkbox"/> 706.8 Asteatosis, asteatotic eczema	<input type="checkbox"/> 684 Impetigo	<input type="checkbox"/> 709.09 Purpuric eruption, pigmented
<input type="checkbox"/> 373.00 Blepharitis	<input type="checkbox"/> 919.4 Insect bites	<input type="checkbox"/> 686.0 Pyoderma
<input type="checkbox"/> 232.(0-8) Bowen's disease	<input type="checkbox"/> 695.89 Intertrigo	<input type="checkbox"/> 686.1 Pyogenic granuloma
<input type="checkbox"/> 949.0 Burn (chemical, thermal)	<input type="checkbox"/> 176.0 Kaposi's sarcoma	<input type="checkbox"/> 695.3 Rosacea
<input type="checkbox"/> 112.3 Candidiasis, skin, nails	<input type="checkbox"/> 701.4 Keloid, hypertrophic scar	<input type="checkbox"/> 135 Sarcoidosis
<input type="checkbox"/> 173.(0-8) Carcinoma, basal cell	<input type="checkbox"/> 238.2 Keratoacanthoma	<input type="checkbox"/> 133.0 Scabies
<input type="checkbox"/> 173.(0-8) Carcinoma, basosquamous	<input type="checkbox"/> 757.39 Keratoderma (palms, soles)	<input type="checkbox"/> 782.1 Skin eruption, NS
<input type="checkbox"/> 173.(0-8) Carcinoma, squamous cell	<input type="checkbox"/> 702.0 Keratosis, actinic	<input type="checkbox"/> 709.2 Scar
<input type="checkbox"/> 682.9 Cellulitis	<input type="checkbox"/> 757.39 Keratosis pilaris	<input type="checkbox"/> 710.1 Scleroderma
<input type="checkbox"/> 528.5 Cheilitis (perleche)	<input checked="" type="checkbox"/> 702.11 Keratosis, seborrheic	<input type="checkbox"/> 216.9 Sebaceous hyperplasia, adenoma
<input type="checkbox"/> 380.00 Chondrodermatitis nodularis	<input type="checkbox"/> 709.09 Lentigo	<input type="checkbox"/> 701.3 Striae
<input type="checkbox"/> 700 Clavus, callus	<input type="checkbox"/> 232.(0-8) Lentigo maligna	<input type="checkbox"/> 692.71 Sunburn
<input type="checkbox"/> 710.9 Collagen disease	<input type="checkbox"/> 702.8 Leukoplakia	<input type="checkbox"/> 097.9 Syphilis
<input type="checkbox"/> 706.2 Cyst (epidermal, mucous, pilar)	<input type="checkbox"/> 697.0 Lichen planus	<input type="checkbox"/> 448.1 Telangiectasia (angioma)
<input type="checkbox"/> 692.9 Dermatitis, contact	<input type="checkbox"/> 701.0 Lichen sclerosus	<input type="checkbox"/> 110.0 Tinea capitis
<input type="checkbox"/> 692.6 Dermatitis, contact, plant	<input type="checkbox"/> 214.1 Lipoma	<input type="checkbox"/> 110.5 Tinea corporis
<input type="checkbox"/> 691.0 Dermatitis, diaper (napkin)	<input type="checkbox"/> 695.4 Lupus erythematosus, discoid	<input type="checkbox"/> 110.3 Tinea cruris
<input type="checkbox"/> 695.89 Dermatitis, exfoliative	<input type="checkbox"/> 710.0 Lupus erythematosus, systemic	<input type="checkbox"/> 110.1 Tinea unguium (onychomycosis)
<input type="checkbox"/> 694.0 Dermatitis, herpetiformis	<input type="checkbox"/> 457.1 Lymphedema	<input type="checkbox"/> 110.4 Tinea pedis
<input type="checkbox"/> 686.9 Dermatitis, infectious eczematoid	<input type="checkbox"/> 709.8 Lymphocytic infiltrate skin	<input type="checkbox"/> 111.0 Tinea versicolor
<input type="checkbox"/> 698.3 Dermatitis, neuro (lichen simplex)	<input type="checkbox"/> 202.80 Lymphoma	<input type="checkbox"/> 707.10 Ulcer, lower limb
<input type="checkbox"/> 695.3 Dermatitis, perioral	<input type="checkbox"/> 172.(0-8) Melanoma, malignant	<input type="checkbox"/> 454.2 Ulcer, stasis
<input type="checkbox"/> 692.72 Dermatitis, photo	<input type="checkbox"/> 709.0 Melasma	<input type="checkbox"/> 708.8 Urticaria
<input type="checkbox"/> 690.10 Dermatitis, seborrheic	<input checked="" type="checkbox"/> 706.2 Milia	<input type="checkbox"/> 698.2 Urticaria, papular
<input type="checkbox"/> 459.81 Dermatitis, stasis	<input type="checkbox"/> 705.1 Millaria	<input type="checkbox"/> 052.7 Varicella
<input type="checkbox"/> 692.9 Dermatitis, unspecified	<input type="checkbox"/> 078.0 Molluscum contagiosum	<input type="checkbox"/> 454.9 Varicose
<input type="checkbox"/> 216.(0-8) Dermatofibroma	<input type="checkbox"/> 202.10 Mycosis fungoides (T cell lymphoma)	<input type="checkbox"/> 287.0 Vasculitis, allergic
<input type="checkbox"/> 710.3 Dermatomyositis	<input type="checkbox"/> 703.8 Nail dystrophy	<input type="checkbox"/> 078.11 Verruca, genital
<input type="checkbox"/> 693.0 Drug eruption (reaction)	<input type="checkbox"/> 703.0 Nail, ingrowing	<input type="checkbox"/> 078.10 Verruca vulgaris
<input type="checkbox"/> 705.81 Dyshidrosis (pompholyx)	<input type="checkbox"/> 238.2 Neoplasm, uncertain behavior	<input type="checkbox"/> 057.9 Viral exanthem
<input type="checkbox"/> 691.8 Eczema, atopic	<input type="checkbox"/> 216.(0-8) Neoplasm, benign	<input type="checkbox"/> 709.0 Vitiligo
<input type="checkbox"/> 705.81 Eczema, hand	<input type="checkbox"/> 216.(0-8) Neurofibroma	<input type="checkbox"/> 616.10 Vulvovaginitis
<input type="checkbox"/> 692.9 Eczema, nummular	<input type="checkbox"/> 216.(0-8) Nevus	<input type="checkbox"/> 272.2 Xanthoma
<input type="checkbox"/> 695.0 Erythema annulare	<input type="checkbox"/> 701.9 Papilloma(s) (tags, polyps)	
<input type="checkbox"/> 695.1 Erythema multiforme	<input type="checkbox"/> 696.2 Paronychia	
<input type="checkbox"/> 695.2 Erythema nodosum	<input type="checkbox"/> 681.9 Paronychia	
<input type="checkbox"/> 919.8 Excoriations	<input type="checkbox"/> 132.3 Pediculosis	
<input type="checkbox"/> 216.3 Fibrous papule (angiofibroma)	<input type="checkbox"/> 694.5 Pemphigoid	
<input type="checkbox"/> 704.8 Folliculitis	<input type="checkbox"/> 694.4 Pemphigus	
<input type="checkbox"/> 680.9 Furuncle	<input type="checkbox"/> 709.09 Pigmentation (hyper, hypo)	

TUMORS: CIRCLE SITE

- |               |                 |
|---------------|-----------------|
| 0 LIP         | 5 TRUNK         |
| 1 EYELID      | 6 UPPER EXTREM  |
| 2 EAR         | 7 LOWER EXTREM  |
| 3 FACE        | 8 OTHER SPECIF. |
| 4 NECK, SCALP |                 |

# RICHARDS HEARING AID CENTER

P.O. Box 98 • 1521 E. Rutherford Rd.  
Landrum, SC 29356  
Phone 457-4995

Fitted for HELEN RUNGE Date 5/6/2003

The undersigned acknowledges purchasing the supplies and services listed hereon under the terms and conditions shown

	PRICE
1 INFINIT 3 HEARING AID	\$ 675.00
1 MEMORY BUTTON	\$ 0.00
1 YEAR SIEMENS WARRANTY	\$ 0.00
1 YEAR SIEMENS LOSS/DAMAGE INSURANCE	\$ 0.00
1 PACK OF BATTERIES	\$ 0.00
CLEANINGS/ADJUSTMENTS	\$ 0.00
	\$
MAKE <u>SIEMENS</u>	SUB TOTAL \$ 675.00
MODEL <u>LS-I</u>	DISCOUNT \$ 0.00
TYPE <u>ITE</u>	TOTAL \$ 675.00
SERIAL NO.	PAYMENT WITH ORDER \$ 0.00
RIGHT <u>036010727R</u>	BAL. DUE ON DELIVERY \$ 675.00
LEFT	DATE BALANCE PAID \$ <u>5/15/2003</u>

Purchaser acknowledges receipt of and reading a copy of this completed document before signing.

By: John T. Richards Purchaser John T. Richards  
John T. Richards  
SC License No, 214  
Street 5 STIRRUP DOWNS LANE  
City & State COLUMBUS, NC 28722

**I Acknowledge Receipt Of Merchandise And Instructional Book.**

Date of Delivery May 15, 2003

Purchaser John T. Richards



BlueCross BlueShield  
of Massachusetts

# MEDEX CLAIM SUMMARY

000095072

PAGE 2 OF 2

PROVIDER/ SERVICES	DATES OF SERVICE	UNITS	AMOUNT CHARGED	MEDICARE ALLOWED	MEDEX ALLOWED	YOUR CO-INS	BENEFITS	YOUR BALANCE	MSG. CODE
MEDEX CLAIM #: 30031705486700 MEDICARE CLAIM #: 0203167394180									
PROVIDER: ARTHUR R BREGOLI JR MD PC MEDICAL CARE	04/30/03-04/30/03	1	125.00	61.74	12.35	0.00	12.35	0.00	
TOTAL -----			125.00	61.74	12.35	0.00	12.35	0.00	A
A-MEDICARE PAYS FIRST ON THESE SERVICES. BLUE CROSS AND BLUE SHIELD THEN MAKES PAYMENT AS YOUR SECONDARY PAYER. THE ABOVE AMOUNT REPRESENTS OUR COVERAGE ON THIS CLAIM. (2802)									
GRAND TOTAL -----			393.51	319.35	63.87	0.00	63.87	10.90	

ID NUMBER/  
HIC NUMBER  
XXA008029612

MEMBER NAME  
HELEN A RUNGE

DATE  
06/27/03





# CLAIM SUMMARY

000000879

PAGE 1 OF 1

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An Independent Licensee of the Blue Cross and Blue Shield Association

PROVIDER/ SERVICES	DATES OF SERVICE	UNITS	AMOUNT CHARGED	AMOUNT ALLOWED	YOUR CO-PAY	YOUR CO-INS	BENEFITS	YOUR BALANCE	MSC COC
MEMBER: HELEN A RUNGE			CLAIM #: 09031190140600			DATE RECEIVED: 04/23/03			
PROVIDER: MEDIPLEX OF MASSACHUSETTS									
ROOM & BOARD	03/22/03-03/22/03	22	4,950.00	0.00	0.00	0.00	0.00	0.00	A
SPECIAL SERVICES	03/22/03-03/22/03	1	446.07	0.00	0.00	0.00	0.00	0.00	A
TOTAL -----			5,396.07	0.00	0.00	0.00	0.00	0.00	B
A-BENEFITS ARE NOT AVAILABLE BECAUSE, ACCORDING TO OUR RECORDS, WE HAVE ALREADY PROCESSED A CLAIM FOR THIS SERVICE. SINCE THIS IS A DUPLICATE, NO PAYMENT WILL BE MADE. YOU ARE NOT RESPONSIBLE FOR PAYMENT OF THESE CHARGES. (U302)									
B-MEDICARE PAYS FIRST ON THESE SERVICES. BLUE CROSS AND BLUE SHIELD THEN MAKES PAYMENT AS YOUR SECONDARY PAYER. THE ABOVE AMOUNT REPRESENTS OUR COVERAGE ON THIS CLAIM. (Z802)									
GRAND TOTAL -----			5,396.07	0.00	0.00	0.00	0.00	0.00	

ID NUMBER	SUBSCRIBER NAME	DATE
XXA008029612	HELEN A RUNGE	06/13/03

B21

HELEN A RUNGE  
BAY VIEW ASSISTED LIVING  
SOUTH BOSTON MA 02127

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BlueCross BlueShield  
of Massachusetts**MEDEX CLAIM SUMMARY**

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PAGE 1 OF 1

This notice explains how we processed your claims; it is not a bill. Please look this over carefully. On the back, we've explained what you should do if you have any questions or disagree with how we processed your claims. Please keep this for your tax and medical records.

PROVIDER/ SERVICES	DATES OF SERVICE	UNITS	AMOUNT CHARGED	MEDICARE ALLOWED	MEDEX ALLOWED	YOUR CO-INS	BENEFITS	YOUR BALANCE	MSG. CODE
PROVIDER: WEST CENTRAL FAMILY AND MEDICAL CARE 04/21/03-04/21/03 1 97.00 76.53 15.31 0.00 15.31 0.00									
TOTAL 97.00 76.53 15.31 0.00 15.31 0.00 A									
A-MEDICARE PAYS FIRST ON THESE SERVICES. BLUE CROSS AND BLUE SHIELD THEN MAKES PAYMENT AS YOUR SECONDARY PAYER. THE ABOVE AMOUNT REPRESENTS OUR COVERAGE ON THIS CLAIM. (Z802)									
GRAND TOTAL 97.00 76.53 15.31 0.00 15.31 0.00									
ID NUMBER/ HIC NUMBER MEMBER NAME DATE XXA008029612 HELEN A RUNGE 07/11/03 023051066A									

B21

HELEN A RUNGE  
C/O DOROTHY STANLEY  
5 STIRRUP DOWNS  
COLUMBUS NC 28722-9574

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BlueCross BlueShield  
of Massachusetts

## MEDEX CLAIM SUMMARY

000031078 PAGE 1 OF 1

This notice explains how we processed your claims. It is not a bill. Please look this over carefully. On the back, we've explained what you should do if you have any questions or disagree with how we processed your claims. Please keep this for your tax and medical records.

PROVIDER/ SERVICES	DATES OF SERVICE	UNITS	AMOUNT CHARGED	MEDICARE ALLOWED	MEDEX ALLOWED	YOUR CO-INS	BENEFITS	YOUR BALANCE	MSG. CODE
PROVIDER: K L BLOOMINGDALE MD MEDICAL CARE 04/29/03-04/29/03 1 150.00 95.18 19.04 0.00 19.04 0.00									
TOTAL 150.00 95.18 19.04 0.00 19.04 0.00									
A-MEDICARE PAYS FIRST ON THESE SERVICES. BLUE CROSS AND BLUE SHIELD THEN MAKES PAYMENT AS YOUR SECONDARY PAYER. THE ABOVE AMOUNT REPRESENTS OUR COVERAGE ON THIS CLAIM. (Z802)									
GRAND TOTAL 150.00 95.18 19.04 0.00 19.04 0.00									
ID NUMBER/ HIC NUMBER XXA008029612 023051066A									
MEMBER NAME HELEN A RUNGE									
DATE 05/23/03									

B21

HELEN A RUNGE  
 BAY VIEW ASSISTED LIVING  
 1380 COLUMBIA ROAD RM 1  
 SOUTH BOSTON MA 02127



# Medicare Summary Notice

461742922

Page 1 of 2

July 18, 2003

## CUSTOMER SERVICE INFORMATION

**Your Medicare Number: 023-05-1066A**

If you have questions, write or call:

National Heritage Insurance Company

P.O. Box 1000

Hingham, MA 02044

**Toll-free: 1-800-882-1228**

**TTY For Hearing Impaired: 1-800-559-0443**

HELEN A RUNGE

THE BAYVIEW

1380 COLUMBIA ROAD

BOSTON MA 02127-2934



**BE INFORMED:** Always review your Medicare Summary Notice for correct information about the items or services you received.

This is a summary of claims processed from 06/27/2003 through 07/09/2003.

## PART B MEDICAL INSURANCE - ASSIGNED CLAIMS

Dates of Service	Services Provided	Amount Charged	Medicare Approved	Medicare Paid Provider	You May Be Billed	See Notes Section
Claim number 02-03167-394-190						
Arthur R. Bregoli, M.D., Medical Data Service,						a
27 Cranberry Lane, South Easton, MA 02375-1414						
04/30/03	1 Nursing fac discharge day (99315)	\$125.00	\$61.74	\$49.39	\$12.35	
Claim number 02-03178-644-080						
West Central Family And, 1132 Westfield Street,						a
W Springfield, MA 01089-3863						
Referred by: Dr. Bregoli Jr, Arthur R., M.D.						
Miller, Ruth M. NP						
04/21/03	1 Nursing fac care, subseq (99313)	\$97.00	\$76.53	\$61.22	\$15.31	

**THIS IS NOT A BILL - Keep this notice for your records.**

Commonwealth of Massachusetts  
The Trial Court  
Probate and Family Court Department

Norfolk Division

Docket No. 114

## TEMPORARY

## MEDICAL CERTIFICATE --- GUARDIANSHIP

03P110461

To the Honorable Justices of the Probate and Family Court:

The undersigned hereby certifies under the penalties of perjury that I am a registered physician and that I personally examined Helen Runge

Sunbridge, 1380 Columbia Rd.

(name of proposed ward)

Randolph

MA

(street address)

(city or town)

(state)

on April 29, 2003

(date of examination)

and in my opinion the proposed ward:

☒ is a mentally ill person to the degree that he/she is incapable of caring for his/her personal and/or financial affairs.

☐ is a person who is unable to make or communicate informed decisions due to physical incapacity.

## THIS SECTION MUST BE COMPLETED FOR A GUARDIANSHIP PETITION

Describe in detail the diagnosis leading to the aforementioned opinion (including the types of decisions which the proposed ward has sufficient mental ability to make):

This 87 year old Caucasian divorced female suffers from Alzheimer's dementia with paranoid delusions. Because of her paranoia, and probably also because of her cognitive limitations, she lacks the ability to make sound decisions about certain personal affairs, in-

(OVER)



(MEDICAL CERTIFICATE -- GUARDIANSHIP BACK)

cluding whether to take her  
psychiatric medications.

For example, she thinks that  
the nursing home staff is  
purposely giving her too many  
medications to take - compared  
to what has been ordered.

Date

4/29/03

Kerry Bloomingdale M.D.  
(signature)

Kerry Bloomingdale, M.D. (NEG)  
(PRINT name)

1132 Westfield Street  
(address, including zip code)

Springfield, MA 01089

Tel. No. ( 800 ) 378-5454

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

HELEN A. RUNGE,	:	
Plaintiff	:	
	:	No. 05-10849-RGS
v.	:	(Judge Stearns)
	:	
WALTER J. KELLY, et al.,	:	CIVIL ACTION
Defendants	:	JURY TRIAL DEMANDED

**PLAINTIFF HELEN RUNGE'S SUPPLEMENTAL RESPONSE TO DEFENDANT  
WALTER J. KELLY'S REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiff Helen Runge ("Runge") hereby supplements her response to Defendant Walter J. Kelly's ("Kelly") Request for Production of Documents as follows:

**GENERAL OBJECTIONS**

Runge herein incorporates all General Objections listed in her initial Response to Kelly's Request for Production of Documents.

**SPECIFIC RESPONSES AND OBJECTIONS**

The General Objections apply to all individual numbered Requests, and Runge hereby incorporates the General Objections by reference into her responses to each of the individual Requests. Any additional objections stated in the following responses are expressly made in addition to, and not in lieu of, the General Objections and for the purpose of setting forth, where appropriate, Runge's specific position as to Kelly's Requests.

2 Any and all documents reflecting or evidencing communications between Plaintiff and Defendant.

**Response:** Runge objects to this Request because the documents sought are under the care, custody and control of Kelly. Subject to and without waiving the above objections, supplemental documents responsive to this Request are attached.

3. All documents evidencing damages Plaintiff seeks to recover in this action.

**Response:** Supplemental documents responsive to this Request are attached.

12. All documents concerning any expense you seek to recover in this action, including, but not limited to, all invoices, statements, receipts, and cancelled checks concerning:

- (a) medical care rendered by doctors, hospitals, therapists, counselors, other medical service providers for any physical or mental injury;
- (b) property items; and
- (c) any other expense you claim Defendant caused.

**Response:** Supplemental documents responsive to this Request are attached.

14. Any and all documents related to Plaintiff's residence and/or care at any nursing homes and/or assisted living facilities.

**Response:** Supplemental documents responsive to this Request are attached.

15. All surgical records, hospital records, medical records, nursing home records, assisted living facility records, psychological records, mental health records, X-rays, radiographic films, or any other records or materials related to any diagnostic or treatment tests or procedures, bills, invoices, writings, notes, or memoranda relating to all of Plaintiff's physical, medical or mental conditions, illnesses or disabilities, including but not limited to those doctors, nurses, practitioners, hospitals, clinics,

institutions, or other health care providers or third party private or governmental health or accident insurers, without regard to whether it is Plaintiff's contention that such physical, medical or mental conditions, illnesses, or disabilities were caused in any way by Defendant or any agent or employee of Defendant for the years 1995 to the present.

**Response: Supplemental documents responsive to this Request are attached.**

21. All correspondence between Plaintiff and her daughter, Dorothy Stanley, from 1995 to present.

**Response: Supplemental documents responsive to this Request are attached.**

22. All documents reflecting communications in any form between Plaintiff and her daughter, Dorothy Stanley, from 1995 to present.

**Response: Supplemental documents responsive to this Request are attached.**

Respectfully submitted,

LATSHA DAVIS YOHE & MCKENNA, P.C.

Dated: 11/10/06

By: Glenn R. Davis  
Glenn R. Davis  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050  
(717) 620-2424  
gdavis@ldylaw.com  
*Pro Hac Vice*

Attorneys for Plaintiff, Helen A. Runge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

HELEN A. RUNGE,	:	
Plaintiff	:	
	:	No. 05-10849-RGS
v.	:	(Judge Stearns)
	:	
WALTER J. KELLY, et al.,	:	CIVIL ACTION
Defendants	:	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing Plaintiff Helen Runge's Supplemental Response to Walter J. Kelly's Request for Production of Documents was served by first-class United States mail, postage prepaid, upon the following:

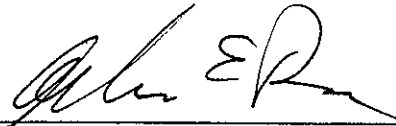
James S. Hamrock, Jr., Esq.  
Attorney of record for Kerry L. Bloomingdale, M.D.,  
Hamrock & Tocci  
101 Main Street, 18<sup>th</sup> Floor  
Cambridge, MA 02142

George C. Rockas, Esq.  
Michele Carlucci, Esq.  
Attorney of record for Walter J. Kelly  
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP  
155 Federal Street  
Boston, MA 02110-1727

Michael Williams, Esq.  
Attorney of record for Sunbridge Nursing and Rehabilitation Center  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210-1736

Blake J. Godbout, Esq.  
David A. Conti, Esq.  
Blake J. Godbout & Associates  
33 Broad Street, 11<sup>th</sup> Floor  
Boston, MA 02109

Dated: 11/10/06

A handwritten signature in black ink, appearing to read 'Andrea E. Dean', written over a horizontal line.

Andrea E. Dean

**Carlucci, Michele**

---

**From:** Andrea E. Dean [adean@ldylaw.com]  
**Sent:** Monday, January 29, 2007 7:27 AM  
**To:** Carlucci, Michele  
**Cc:** jhamrock@htclaw.com; mwilliams@lawson-weitzen.com; Glenn Davis; Rockas, George  
**Subject:** RE: Runge v. Kelly, et al.

Good morning, Michele. Yes, please send copies of what you received. As we indicated in the correspondence directed to you on Friday, Plaintiff did not have the entire record to produce.

Thank you,

Andrea E. Dean  
Latsha Davis Yohe & McKenna, P.C.  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050  
Phone: 717-620-2424  
Fax: 717-620-2444

**CONFIDENTIALITY NOTICE**

The information in this transmission is intended only for the individual or entity named above. It may be legally privileged and confidential. If you have received this information in error, notify us immediately by calling our operator at (717) 620-2424. Send the original transmission to us by mail. Return postage is guaranteed. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited.

>>> "Carlucci, Michele" <Michele.Carlucci@wilsonelser.com> 01/26/07  
>>> 02:04PM >>>

Andrea, You should know that I received records from St. Lukes today. Plaintiff has produced records from St. Lukes in response to document requests, but you have not advised whether the documents you produced represent the entire record from St. Lukes. Would you like me to send you a copy of what I received? I also intend to send copies to co-defendants. Please advise your position on this.

-----Original Message-----

**From:** Jim Hamrock [mailto:jhamrock@htclaw.com]  
**Sent:** Friday, January 26, 2007 11:35 AM  
**To:** Andrea E. Dean  
**Cc:** Carlucci, Michele; Rockas, George; mwilliams@lawson-weitzen.com  
**Subject:** RE: Runge v. Kelly, et al.

Andrea:

Dr. Bloomingdale will oppose any such Motion, unless the plaintiff agrees to provide certified copies of the records sought by the subpoenas. As I indicated in my correspondence to your office, the records from Mrs. Runge's North Carolina healthcare and nursing home providers that were included with the Plaintiff's Response to Request For Production of Documents were clearly incomplete, intermingled, and not even close to complying with the requirements of FRCP 34. I respectfully suggest that Judge Sterns, if the defense is forced to expend the time and resources to oppose your proposed Motion, and has to show him the manner the documents were provided in the plaintiff's document Response, will not look favorably on the Motion or on the way the plaintiff has undertaken her discovery obligations. The incompleteness of the document Response is particularly remarkable when Mrs. Runge's daughter, Mrs. Stanley, is a long-time employee of the Hospital that has records that are so important to the defense of the lawsuit. Thank you for your attention to this issue.

Jim Hamrock



-----Original Message-----

From: Andrea E. Dean [mailto:adean@ldylaw.com]  
Sent: Friday, January 26, 2007 11:07 AM  
To: Jim Hamrock  
Cc: Glenn Davis  
Subject: Runge v. Kelly, et al.

Good morning. Plaintiff intends to file a motion for protective order later today in regards to Defendant Kelly's eight subpoenas to health care providers that were served outside of the time period for fact discovery and in improper format. We are contacting you under local rule 7.1 to confer on this motion. Please advise as to your position on the motion, if any.

Thank you,

Andrea E. Dean  
Latsha Davis Yohe & McKenna, P.C.  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050  
Phone: 717-620-2424  
Fax: 717-620-2444

CONFIDENTIALITY NOTICE

The information in this transmission is intended only for the individual or entity named above. It may be legally privileged and confidential. If you have received this information in error, notify us immediately by calling our operator at (717) 620-2424. Send the original transmission to us by mail. Return postage is guaranteed. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited.

This communication was not intended or written to be used, and it cannot be used by any taxpayer, for the purpose of avoiding tax penalties. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

\*\*\*\*\*

CONFIDENTIALITY NOTICE: This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

For further information about Wilson, Elser, Moskowitz, Edelman & Dicker LLP, please see our website at [www.wilsonelser.com](http://www.wilsonelser.com) or refer to any of our offices. Thank you.

**WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP**

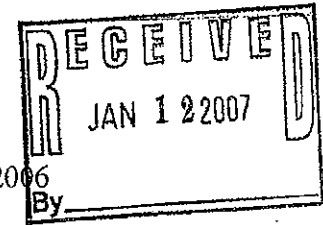
155 Federal Street, Boston, Massachusetts 02110-1727

Tel: (617) 422-5300 Fax: (617) 423-6917

*Albany • Baltimore • Boston • Chicago • Dallas • Garden City • Houston • Las Vegas • London • Los Angeles • McLean  
Miami • Newark • New York • Orlando • Philadelphia • San Diego • San Francisco • Stanford • Washington, DC • White Plains  
Affiliates: Berlin • Cologne • Frankfurt • Munich • Paris*

www.wilsonelser.com

Michele Carlucci  
Writer's Ext.: 5416  
Michele.Carlucci@WilsonElser.com



November 22, 2006

Deputy Sheriff's Office  
Polk County Sheriff  
105 Ward Street  
Columbus, NC 27822

**Re: Helen Runge v. Walter J. Kelly, et al.**  
**No. 05-10849RGS - Our File No.: 00894.00237**

Dear Sheriff:

Enclosed for service please find eight (8) Keeper of Record subpoenas, along with their corresponding deposition notice to be served upon the following:

1. Robert M. Palmer, M.D., Tryon Medical Group, P.A., 25 Shields Drive, Tryon, NC 28782;
2. White Oak Manor (Benson Hall Assisted Living Facility), 70 Oak Street, Tryon, NC 28782;
3. White Oak Manor (Nursing Facility), 70 Oak Street, Tryon, NC;
4. LaurelWoods Assisted Living, 1062 & 1064 W. Mills Street, Columbus, NC 28722;
5. Dr. George Kim, 2536 Lynn Road, Suite B, Tryon, NC 28782;
6. Dr. Peter Nidenbach, Laurelyn Medical Group, 37 Wilderness Road, Tryon, NC 28782;
7. St. Luke's Hospital, 101 Hospital Drive, Columbus, NC 28722; and
8. St. Luke's Skilled Nursing Facility, Dr. George Kim, 101 Hospital Drive, Columbus, NC 28722.

Enclosed please find a check in the amount of \$440.00 as prepayment for serving the aforementioned out of state subpoenas at \$55 each.

Please serve these subpoenas at your earliest convenience.

November 22, 2006  
Page 2

Thank you for your attention to this matter. Please feel free to call me with any questions.

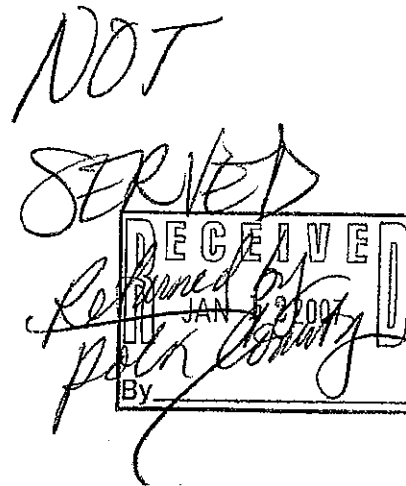
Very truly yours,



Michele Carlucci

MC/sap  
Enclosures

cc: Glenn R. Davis, Esq.  
James Hamrock, Esq.  
Blake Godbout, Esq.  
Robert J. Roughsedge, Esq.



**DEPOSITION SUBPOENA: DUCES TECUM**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

**CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS**

HELEN RUNGE,  Plaintiff  v.  WALTER J. KELLY, KERRY L. BLOOMINGDALE, M.D., and SUNBRIDGE NURSING AND REHABILITATION CENTER, Defendants
--

TO: KEEPER OF THE RECORDS  
Robert M. Palmer, M.D.  
Tryon Medical Group, P.A.  
25 Shields Drive  
Tryon, NC 28782

**GREETINGS:**

YOU ARE HEREBY COMMANDED in the name of the United States District Court, Western District of North Carolina in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure to appear and testify on behalf of defendants before a Notary Public of the Commonwealth, on **Wednesday, December 6, 2006 at 10:00 a.m.** at the offices of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, 155 Federal Street, Boston, MA 02110 and to testify as to your knowledge, at the taking of the deposition in the above-entitled action. The oral examination will continue from day to day until completed. And you are further required to bring with you the following:  
  
SEE NOTICE OF TAKING DEPOSITION ATTACHED HERETO.

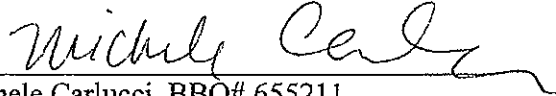
IN LIEU OF ATTENDING YOU MAY SEND COPIES OF RECORDS TO  
**MICHELE CARLUCCI, WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER  
LLP, 155 FEDERAL STREET, BOSTON, MA 02110.**


Records may be mailed in lieu of your personal appearance provided they are  
accompanied by: An executed certification that all records requested have been produced  
(see form attached).

If documents are produced in this fashion, kindly return a copy of the subpoena  
with a cover letter, executed form(s) and document(s) produced. If you have no records,  
kindly write to Michele Carlucci confirming same.

Hereof fail not as you will answer your default under the pains and penalties  
under the law as provided.

WALTER J. KELLY  
BY HIS ATTORNEY

  
Michele Carlucci, BBO# 655211  
WILSON, ELSE, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

  
Notary Public:  
My Commission Expires: 8/28/09

**CERTIFICATION**

The undersigned does depose and say under the penalties of perjury that I am an authorized custodian of records for \_\_\_\_\_ and that the enclosed \_\_\_\_\_ pages represent all documents called for in the attached subpoena, no records having been withheld. All such records were kept in the regular course of business.

Signed under the pains and penalties of perjury this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

**NOTICE OF TAKING DEPOSITION**

TO: KEEPER OF THE RECORDS  
Robert M. Palmer, M.D.  
Tryon Medical Group, P.A.  
25 Shields Drive  
Tryon, NC 28782

Please take notice that on **Wednesday, December 6, 2006 at 10:00 a.m.** at the offices of Michele Carlucci, Esquire, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, 155 Federal Street, Boston, Massachusetts, Walter J. Kelly, in this action by his attorney will take the deposition upon oral examination of the **Keeper of Records of Robert M. Palmer, M.D. at Tryon Medical Group, P.A.**, pursuant to the applicable provisions pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before a Notary Public in and for the Commonwealth of Massachusetts or before some other officer authorized to administer oaths.

You are further required to bring with you the documents listed on Schedule A attached hereto.



The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Respectfully Submitted,

WALTER J. KELLY  
BY HIS ATTORNEY



Michele Carlucci, BBO# 655211  
WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

**CERTIFICATE OF SERVICE**

I, Michele Carlucci, certify that on November 29, 2006, I have served a copy of the within document by first class mail, postage prepaid, to the following:

James S. Hamrock, Esq.  
Hamrock & Tocci  
101 Main Street, 18<sup>th</sup> Floor  
Cambridge, MA 02142

Blake J. Godbout, Esq.  
Blake J. Godbout & Associates  
33 Broad Street, 11th Floor  
Boston, MA 02109

Glen R. Davis, Esq.  
Latsha Davis Yohe & McKenna, P.C.  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050

Robert J. Roughsedge, Esq.  
Michael Williams, Esq.  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210-2414



Michele Carlucci

**SCHEDULE A**

**Any and all medical records, reports, x-rays, films and billings relating in any way to physical, medical or mental condition, illness, disabilities and treatment of Helen Runge, 5 Stirrup Downs, Columbus, NC 28722, , date of birth: 8/03/15.**

**DEPOSITION SUBPOENA: DUCES TECUM**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

**CASE NUMBER: 05-10849 RGS**  
**DISTRICT OF MASSACHUSETTS**

HELEN RUNGE,  
Plaintiff  
v.  
WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,  
Defendants

TO: KEEPER OF THE RECORDS  
White Oak Manor  
(Benson Hall Assisted Living Facility)  
70 Oak Street  
Tryon, NC 28782

**GREETINGS:**

YOU ARE HEREBY COMMANDED in the name of the United States District Court, Western District of North Carolina in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure to appear and testify on behalf of defendants before a Notary Public of the Commonwealth, on **Wednesday, December 6, 2006 at 11:00 a.m.** at the offices of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, 155 Federal Street, Boston, MA 02110 and to testify as to your knowledge, at the taking of the deposition in the above-entitled action. The oral examination will continue from day to day until completed. And you are further required to bring with you the following: SEE NOTICE OF TAKING DEPOSITION ATTACHED HERETO.

IN LIEU OF ATTENDING YOU MAY SEND COPIES OF RECORDS TO  
**MICHELE CARLUCCI, WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER  
LLP, 155 FEDERAL STREET, BOSTON, MA 02110.**

Records may be mailed in lieu of your personal appearance provided they are  
accompanied by: An executed certification that all records requested have been produced  
(see form attached).

If documents are produced in this fashion, kindly return a copy of the subpoena  
with a cover letter, executed form(s) and document(s) produced. If you have no records,  
kindly write to Michele Carlucci confirming same.

Hereof fail not as you will answer your default under the pains and penalties  
under the law as provided.

WALTER J. KELLY  
BY HIS ATTORNEY



Michele Carlucci, BBO# 655211  
WILSON, ELSE, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300



Notary Public:  
My Commission Expires: 8/28/09

**CERTIFICATION**

The undersigned does depose and say under the penalties of perjury that I am an authorized custodian of records for \_\_\_\_\_ and that the enclosed \_\_\_\_\_ pages represent all documents called for in the attached subpoena, no records having been withheld. All such records were kept in the regular course of business.

Signed under the pains and penalties of perjury this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

**NOTICE OF TAKING DEPOSITION**

TO: KEEPER OF THE RECORDS  
White Oak Manor  
(Benson Hall Assisted Living Facility)  
70 Oak Street  
Tryon, NC 28782


Please take notice that on **Wednesday, December 6, 2006 at 11:00 a.m.** at the offices of Michele Carlucci, Esquire, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, 155 Federal Street, Boston, Massachusetts, Walter J. Kelly, in this action by his attorney will take the deposition upon oral examination of the **Keeper of Records of White Oak Manor (Benson Hall Assisted Living Facility)**, pursuant to the applicable provisions pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before a Notary Public in and for the Commonwealth of Massachusetts or before some other officer authorized to administer oaths.

You are further required to bring with you the documents listed on Schedule A attached hereto.

The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Respectfully Submitted,

WALTER J. KELLY  
BY HIS ATTORNEY

  
Michele Carlucci, BBO# 655211  
WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

**CERTIFICATE OF SERVICE**


I, Michele Carlucci, certify that on November 22, 2006, I have served a copy of the within document by first class mail, postage prepaid, to the following:

James S. Hamrock, Esq.  
Hamrock & Tocci  
101 Main Street, 18<sup>th</sup> Floor  
Cambridge, MA 02142

Blake J. Godbout, Esq.  
Blake J. Godbout & Associates  
33 Broad Street, 11th Floor  
Boston, MA 02109

Glen R. Davis, Esq.  
Latsha Davis Yohe & McKenna, P.C.  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050

Robert J. Roughsedge, Esq.  
Michael Williams, Esq.  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210-2414

  
Michele Carlucci



**SCHEDULE A**

**Any and all medical records, reports, x-rays, films and billings relating in any way to physical, medical or mental condition, illness, disabilities and treatment of Helen Runge, 5 Stirrup Downs, Columbus, NC 28722, , date of birth: 8/03/15.**

**DEPOSITION SUBPOENA: DUCES TECUM**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA**

**CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS**

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

TO: KEEPER OF THE RECORDS  
White Oak Manor  
(Nursing Facility)  
70 Oak Street  
Tryon, NC 28782

**GREETINGS:**

YOU ARE HEREBY COMMANDED in the name of the United States District Court, Western District of North Carolina in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure to appear and testify on behalf of defendants before a Notary Public of the Commonwealth, on **Wednesday, December 6, 2006 at 11:30 a.m.** at the offices of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, 155 Federal Street, Boston, MA 02110 and to testify as to your knowledge, at the taking of the deposition in the above-entitled action. The oral examination will continue from day to day until completed. And you are further required to bring with you the following: SEE NOTICE OF TAKING DEPOSITION ATTACHED HERETO.

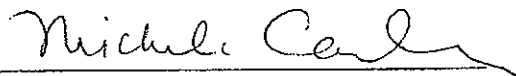
IN LIEU OF ATTENDING YOU MAY SEND COPIES OF RECORDS TO  
**MICHELE CARLUCCI, WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER  
LLP, 155 FEDERAL STREET, BOSTON, MA 02110.**

Records may be mailed in lieu of your personal appearance provided they are  
accompanied by: An executed certification that all records requested have been produced  
(see form attached).

If documents are produced in this fashion, kindly return a copy of the subpoena  
with a cover letter, executed form(s) and document(s) produced. If you have no records,  
kindly write to Michele Carlucci confirming same.

Hereof fail not as you will answer your default under the pains and penalties  
under the law as provided.

WALTER J. KELLY  
BY HIS ATTORNEY



Michele Carlucci, BBO# 655211  
WILSON, ELSE, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300



Notary Public:  
My Commission Expires: 8/28/09

**CERTIFICATION**

The undersigned does depose and say under the penalties of perjury that I am an authorized custodian of records for \_\_\_\_\_ and that the enclosed \_\_\_\_\_ pages represent all documents called for in the attached subpoena, no records having been withheld. All such records were kept in the regular course of business.

Signed under the pains and penalties of perjury this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

**NOTICE OF TAKING DEPOSITION**

TO: KEEPER OF THE RECORDS  
White Oak Manor  
(Nursing Facility)  
70 Oak Street  
Tryon, NC 28782


Please take notice that on **Wednesday, December 6, 2006 at 11:30 a.m.** at the offices of Michele Carlucci, Esquire, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, 155 Federal Street, Boston, Massachusetts, Walter J. Kelly, in this action by his attorney will take the deposition upon oral examination of the **Keeper of Records of White Oak Manor (Nursing Facility)**, pursuant to the applicable provisions pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before a Notary Public in and for the Commonwealth of Massachusetts or before some other officer authorized to administer oaths.

You are further required to bring with you the documents listed on Schedule A attached hereto.

The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Respectfully Submitted,

WALTER J. KELLY  
BY HIS ATTORNEY

  
Michele Carlucci, BBO# 655211  
WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

**CERTIFICATE OF SERVICE**

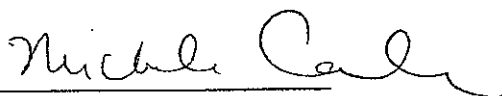
I, Michele Carlucci, certify that on November 27 2006, I have served a copy of the within document by first class mail, postage prepaid, to the following:

James S. Hamrock, Esq.  
Hamrock & Tocci  
101 Main Street, 18<sup>th</sup> Floor  
Cambridge, MA 02142

Blake J. Godbout, Esq.  
Blake J. Godbout & Associates  
33 Broad Street, 11th Floor  
Boston, MA 02109

Glen R. Davis, Esq.  
Latsha Davis Yohe & McKenna, P.C.  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050

Robert J. Roughsedge, Esq.  
Michael Williams, Esq.  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210-2414

  
Michele Carlucci

**SCHEDULE A**

Any and all medical records, reports, x-rays, films and billings relating in any way to physical, medical or mental condition, illness, disabilities and treatment of Helen Runge, 5 Stirrup Downs, Columbus, NC 28722, , date of birth: 8/03/15.



**DEPOSITION SUBPOENA: DUCES TECUM**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA**

**CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS**

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

TO: KEEPER OF THE RECORDS  
LaurelWoods Assisted Living  
1062 & 1064 W. Mills Street  
Columbus, NC 28722

**GREETINGS:**

YOU ARE HEREBY COMMANDED in the name of the United States District Court, Western District of North Carolina in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure to appear and testify on behalf of defendants before a Notary Public of the Commonwealth, on **Wednesday, December 6, 2006 at 1:00 p.m.** at the offices of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, 155 Federal Street, Boston, MA 02110 and to testify as to your knowledge, at the taking of the deposition in the above-entitled action. The oral examination will continue from day to day until completed. And you are further required to bring with you the following:  
  
SEE NOTICE OF TAKING DEPOSITION ATTACHED HERETO.

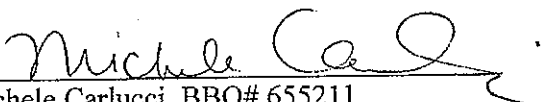
IN LIEU OF ATTENDING YOU MAY SEND COPIES OF RECORDS TO **MICHELE CARLUCCI**, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, 155 FEDERAL STREET, BOSTON, MA 02110.


Records may be mailed in lieu of your personal appearance provided they are accompanied by: An executed certification that all records requested have been produced (see form attached).

If documents are produced in this fashion, kindly return a copy of the subpoena with a cover letter, executed form(s) and document(s) produced. If you have no records, kindly write to Michele Carlucci confirming same.

Hereof fail not as you will answer your default under the pains and penalties under the law as provided.

WALTER J. KELLY  
BY HIS ATTORNEY

  
Michele Carlucci, BBO# 655211  
WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

  
Notary Public:  
My Commission Expires: 8/28/09

**CERTIFICATION**

The undersigned does depose and say under the penalties of perjury that I am an authorized custodian of records for \_\_\_\_\_ and that the enclosed \_\_\_\_\_ pages represent all documents called for in the attached subpoena, no records having been withheld. All such records were kept in the regular course of business.

Signed under the pains and penalties of perjury this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

**NOTICE OF TAKING DEPOSITION**

TO: KEEPER OF THE RECORDS  
LaurelWoods Assisted Living  
1062 & 1064 W. Mills Street  
Columbus, NC 28722

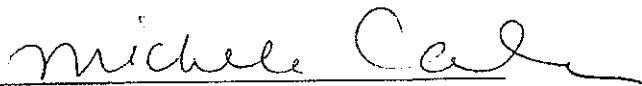
Please take notice that on **Wednesday, December 6, 2006 at 1:00 p.m.** at the offices of Michele Carlucci, Esquire, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, 155 Federal Street, Boston, Massachusetts, Walter J. Kelly, in this action by his attorney will take the deposition upon oral examination of the **Keeper of Records of LaurelWoods Assisted Living**, pursuant to the applicable provisions pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before a Notary Public in and for the Commonwealth of Massachusetts or before some other officer authorized to administer oaths.

You are further required to bring with you the documents listed on Schedule A attached hereto.

The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Respectfully Submitted,

WALTER J. KELLY  
BY HIS ATTORNEY



Michele Carlucci, BBO# 655211  
WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

**CERTIFICATE OF SERVICE**

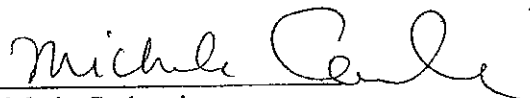
I, Michele Carlucci, certify that on November 22, 2006, I have served a copy of the within document by first class mail, postage prepaid, to the following:

James S. Hamrock, Esq.  
Hamrock & Tocci  
101 Main Street, 18<sup>th</sup> Floor  
Cambridge, MA 02142

Blake J. Godbout, Esq.  
Blake J. Godbout & Associates  
33 Broad Street, 11th Floor  
Boston, MA 02109

Glen R. Davis, Esq.  
Latsha Davis Yohe & McKenna, P.C.  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050

Robert J. Roughsedge, Esq.  
Michael Williams, Esq.  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210-2414



Michele Carlucci

**SCHEDULE A**

Any and all medical records, reports, x-rays, films and billings relating in any way to physical, medical or mental condition, illness, disabilities and treatment of Helen Runge, 5 Stirrup Downs, Columbus, NC 28722, , date of birth: 8/03/15.

**DEPOSITION SUBPOENA: DUCES TECUM**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

TO: KEEPER OF THE RECORDS  
Dr. George Kim  
2536 Lynn Road, Suite B  
Tryon, NC 28782

**GREETINGS:**

YOU ARE HEREBY COMMANDED in the name of the United States District Court, Western District of North Carolina in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure to appear and testify on behalf of defendants before a Notary Public of the Commonwealth, on **Wednesday, December 6, 2006 at 2:00 p.m.** at the offices of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, 155 Federal Street, Boston, MA 02110 and to testify as to your knowledge, at the taking of the deposition in the above-entitled action. The oral examination will continue from day to day until completed. And you are further required to bring with you the following: SEE NOTICE OF TAKING DEPOSITION ATTACHED HERETO.

IN LIEU OF ATTENDING YOU MAY SEND COPIES OF RECORDS TO **MICHELE CARLUCCI**, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, 155 FEDERAL STREET, BOSTON, MA 02110.

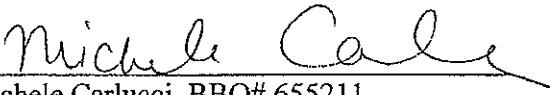


Records may be mailed in lieu of your personal appearance provided they are accompanied by: An executed certification that all records requested have been produced (see form attached).

If documents are produced in this fashion, kindly return a copy of the subpoena with a cover letter, executed form(s) and document(s) produced. If you have no records, kindly write to Michele Carlucci confirming same.

Hereof fail not as you will answer your default under the pains and penalties under the law as provided.

WALTER J. KELLY  
BY HIS ATTORNEY

  
Michele Carlucci, BBO# 655211  
WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

  
Notary Public:  
My Commission Expires: 8/28/09

**CERTIFICATION**

The undersigned does depose and say under the penalties of perjury that I am an authorized custodian of records for \_\_\_\_\_ and that the enclosed \_\_\_\_\_ pages represent all documents called for in the attached subpoena, no records having been withheld. All such records were kept in the regular course of business.

Signed under the pains and penalties of perjury this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

**NOTICE OF TAKING DEPOSITION**

TO: KEEPER OF THE RECORDS  
**Dr. George Kim**  
**2536 Lynn Road, Suite B**  
**Tryon, NC 28782**

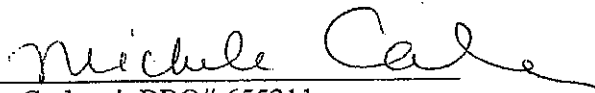
Please take notice that on **Wednesday, December 6, 2006 at 2:00 p.m.** at the offices of Michele Carlucci, Esquire, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, 155 Federal Street, Boston, Massachusetts, Walter J. Kelly, in this action by his attorney will take the deposition upon oral examination of the **Keeper of Records of Dr. George Kim**, pursuant to the applicable provisions pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before a Notary Public in and for the Commonwealth of Massachusetts or before some other officer authorized to administer oaths.

You are further required to bring with you the documents listed on Schedule A attached hereto.

The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Respectfully Submitted,

WALTER J. KELLY  
BY HIS ATTORNEY



Michele Carlucci, BBO# 655211  
WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

**CERTIFICATE OF SERVICE**

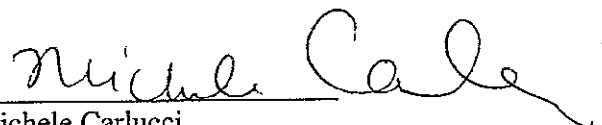
I, Michele Carlucci, certify that on November 27, 2006, I have served a copy of the within document by first class mail, postage prepaid, to the following:

James S. Hamrock, Esq.  
Hamrock & Tocci  
101 Main Street, 18<sup>th</sup> Floor  
Cambridge, MA 02142

Blake J. Godbout, Esq.  
Blake J. Godbout & Associates  
33 Broad Street, 11th Floor  
Boston, MA 02109

Glen R. Davis, Esq.  
Latsha Davis Yohe & McKenna, P.C.  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050

Robert J. Roughsedge, Esq.  
Michael Williams, Esq.  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210-2414

  
Michele Carlucci

**SCHEDULE A**

Any and all medical records, reports, x-rays, films and billings relating in any way to physical, medical or mental condition, illness, disabilities and treatment of Helen Runge, 5 Stirrup Downs, Columbus, NC 28722, , date of birth: 8/03/15.

**DEPOSITION SUBPOENA: DUCES TECUM**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA**

**CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS**

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

TO: KEEPER OF THE RECORDS  
Dr. Peter Nidenbach  
Laurellyn Medical Group  
37 Wilderness Road  
Tryon, NC 28782

**GREETINGS:**

YOU ARE HEREBY COMMANDED in the name of the United States District Court, Western District of North Carolina in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure to appear and testify on behalf of defendants before a Notary Public of the Commonwealth, on **Wednesday, December 6, 2006 at 3:00 p.m.** at the offices of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, 155 Federal Street, Boston, MA 02110 and to testify as to your knowledge, at the taking of the deposition in the above-entitled action. The oral examination will continue from day to day until completed. And you are further required to bring with you the following:  
**SEE NOTICE OF TAKING DEPOSITION ATTACHED HERETO.**

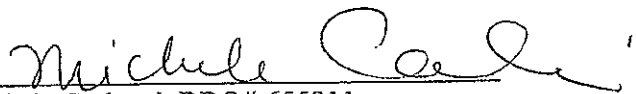
IN LIEU OF ATTENDING YOU MAY SEND COPIES OF RECORDS TO  
**MICHELE CARLUCCI, WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER  
LLP, 155 FEDERAL STREET, BOSTON, MA 02110.**


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Hereof fail not as you will answer your default under the pains and penalties  
under the law as provided.

WALTER J. KELLY  
BY HIS ATTORNEY

  
Michele Carlucci, BBO# 655211  
WILSON, ELSE, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

  
Notary Public.  
My Commission Expires: 8/28/09



**CERTIFICATION**

The undersigned does depose and say under the penalties of perjury that I am an authorized custodian of records for \_\_\_\_\_ and that the enclosed \_\_\_\_\_ pages represent all documents called for in the attached subpoena, no records having been withheld. All such records were kept in the regular course of business.

Signed under the pains and penalties of perjury this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

NOTICE OF TAKING DEPOSITION

TO: KEEPER OF THE RECORDS  
**Dr. Peter Nidenbach**  
**Laurellyn Medical Group**  
**37 Wilderness Road**  
**Tryon, NC 28782**

Please take notice that on **Wednesday, December 6, 2006 at 3:00 p.m.** at the offices of Michele Carlucci, Esquire, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, 155 Federal Street, Boston, Massachusetts, Walter J. Kelly, in this action by his attorney will take the deposition upon oral examination of the **Keeper of Records of Dr. Peter Nidenbach**, pursuant to the applicable provisions pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before a Notary Public in and for the Commonwealth of Massachusetts or before some other officer authorized to administer oaths.

You are further required to bring with you the documents listed on Schedule A attached hereto.

**SCHEDULE A**

**Any and all medical records, reports, x-rays, films and billings relating in any way to physical, medical or mental condition, illness, disabilities and treatment of Helen Runge, 5 Stirrup Downs, Columbus, NC 28722, , date of birth: 8/03/15.**

**DEPOSITION SUBPOENA: DUCES TECUM**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

TO: KEEPER OF THE RECORDS  
St. Luke's Hospital  
101 Hospital Drive  
Columbus, NC 28722

**GREETINGS:**

YOU ARE HEREBY COMMANDED in the name of the United States District Court, Western District of North Carolina in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure to appear and testify on behalf of defendants before a Notary Public of the Commonwealth, on **Wednesday, December 6, 2006 at 4:00 p.m.** at the offices of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, 155 Federal Street, Boston, MA 02110 and to testify as to your knowledge, at the taking of the deposition in the above-entitled action. The oral examination will continue from day to day until completed. And you are further required to bring with you the following:  
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IN LIEU OF ATTENDING YOU MAY SEND COPIES OF RECORDS TO **MICHELE CARLUCCI**, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, 155 FEDERAL STREET, BOSTON, MA 02110.

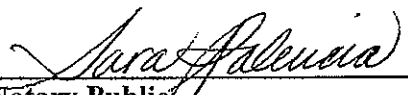
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Hereof fail not as you will answer your default under the pains and penalties under the law as provided.

WALTER J. KELLY  
BY HIS ATTORNEY

  
Michele Carlucci, BBO# 655211  
WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

  
Notary Public  
My Commission Expires: 8/28/09

**CERTIFICATION**

The undersigned does depose and say under the penalties of perjury that I am an authorized custodian of records for \_\_\_\_\_ and that the enclosed \_\_\_\_\_ pages represent all documents called for in the attached subpoena, no records having been withheld. All such records were kept in the regular course of business.

Signed under the pains and penalties of perjury this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

**NOTICE OF TAKING DEPOSITION**

TO: KEEPER OF THE RECORDS  
St. Luke's Hospital  
101 Hospital Drive  
Columbus, NC 28722

Please take notice that on **Wednesday, December 6, 2006 at 4:00 p.m.** at the offices of Michele Carlucci, Esquire, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, 155 Federal Street, Boston, Massachusetts, Walter J. Kelly, in this action by his attorney will take the deposition upon oral examination of the **Keeper of Records of St. Luke's Hospital**, pursuant to the applicable provisions pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before a Notary Public in and for the Commonwealth of Massachusetts or before some other officer authorized to administer oaths.

You are further required to bring with you the documents listed on Schedule A attached hereto.



The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Respectfully Submitted,

WALTER J. KELLY  
BY HIS ATTORNEY



Michele Carlucci, BBO# 655211  
WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

**CERTIFICATE OF SERVICE**

I, Michele Carlucci, certify that on November 22, 2006, I have served a copy of the within document by first class mail, postage prepaid, to the following:

James S. Hamrock, Esq.  
Hamrock & Tocci  
101 Main Street, 18<sup>th</sup> Floor  
Cambridge, MA 02142

Blake J. Godbout, Esq.  
Blake J. Godbout & Associates  
33 Broad Street, 11th Floor  
Boston, MA 02109

Glen R. Davis, Esq.  
Latsha Davis Yohe & McKenna, P.C.  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050

Robert J. Roughsedge, Esq.  
Michael Williams, Esq.  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210-2414



Michele Carlucci

**SCHEDULE A**

**Any and all medical records, reports, x-rays, films and billings relating in any way to physical, medical or mental condition, illness, disabilities and treatment of Helen Runge, 5 Stirrup Downs, Columbus, NC 28722, , date of birth: 8/03/15.**

**DEPOSITION SUBPOENA: DUCES TECUM**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA**

**CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS**

HELEN RUNGE,  <div style="text-align: right;">Plaintiff</div> <div style="text-align: center;">v.</div> WALTER J. KELLY, KERRY L. BLOOMINGDALE, M.D., and SUNBRIDGE NURSING AND REHABILITATION CENTER, <div style="text-align: right;">Defendants</div>
---

**TO: KEEPER OF THE RECORDS  
St. Luke's Skilled Nursing Facility  
101 Hospital Drive  
Columbus, NC 28722**

**GREETINGS:**

YOU ARE HEREBY COMMANDED in the name of the United States District Court, Western District of North Carolina in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure to appear and testify on behalf of defendants before a Notary Public of the Commonwealth, on **Wednesday, December 6, 2006 at 5:00 p.m.** at the offices of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, 155 Federal Street, Boston, MA 02110 and to testify as to your knowledge, at the taking of the deposition in the above-entitled action. The oral examination will continue from day to day until completed. And you are further required to bring with you the following:  
**SEE NOTICE OF TAKING DEPOSITION ATTACHED HERETO.**

**IN LIEU OF ATTENDING YOU MAY SEND COPIES OF RECORDS TO  
MICHELE CARLUCCI, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER  
LLP, 155 FEDERAL STREET, BOSTON, MA 02110.**

Records may be mailed in lieu of your personal appearance provided they are accompanied by: An executed certification that all records requested have been produced (see form attached).

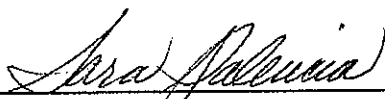
If documents are produced in this fashion, kindly return a copy of the subpoena with a cover letter, executed form(s) and document(s) produced. If you have no records, kindly write to Michele Carlucci confirming same.

Hereof fail not as you will answer your default under the pains and penalties under the law as provided.

WALTER J. KELLY  
BY HIS ATTORNEY



Michele Carlucci, BBO# 655211  
WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300



Notary Public:

My Commission Expires: 8/28/09

**CERTIFICATION**

The undersigned does depose and say under the penalties of perjury that I am an authorized custodian of records for \_\_\_\_\_ and that the enclosed \_\_\_\_\_ pages represent all documents called for in the attached subpoena, no records having been withheld. All such records were kept in the regular course of business.

Signed under the pains and penalties of perjury this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

CASE NUMBER: 05-10849 RGS  
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

**NOTICE OF TAKING DEPOSITION**

TO: KEEPER OF THE RECORDS  
St. Luke's Skilled Nursing Facility  
101 Hospital Drive  
Columbus, NC 28722

Please take notice that on **Wednesday, December 6, 2006 at 5:00 p.m.** at the offices of Michele Carlucci, Esquire, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, 155 Federal Street, Boston, Massachusetts, Walter J. Kelly, in this action by his attorney will take the deposition upon oral examination of the **Keeper of Records of St. Luke's Skilled Nursing Facility**, pursuant to the applicable provisions pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before a Notary Public in and for the Commonwealth of Massachusetts or before some other officer authorized to administer oaths.

You are further required to bring with you the documents listed on Schedule A attached hereto.

The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Respectfully Submitted,

WALTER J. KELLY  
BY HIS ATTORNEY



Michele Carlucci, BBO# 655211  
WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

**CERTIFICATE OF SERVICE**

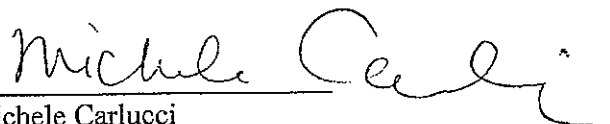
I, Michele Carlucci, certify that on November 27, 2006, I have served a copy of the within document by first class mail, postage prepaid, to the following:

James S. Hamrock, Esq.  
Hamrock & Tocci  
101 Main Street, 18<sup>th</sup> Floor  
Cambridge, MA 02142

Blake J. Godbout, Esq.  
Blake J. Godbout & Associates  
33 Broad Street, 11th Floor  
Boston, MA 02109

Glen R. Davis, Esq.  
Latsha Davis Yohe & McKenna, P.C.  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050

Robert J. Roughsedge, Esq.  
Michael Williams, Esq.  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210-2414

  
Michele Carlucci



**SCHEDULE A**

**Any and all medical records, reports, x-rays, films and billings relating in any way to physical, medical or mental condition, illness, disabilities and treatment of Helen Runge, 5 Stirrup Downs, Columbus, NC 28722, , date of birth: 8/03/15.**

## RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

Defendant 1.

Date Served	Name of Defendant <u>White Oak Manor (Gerson Hall Assisted living Facility)</u>
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint.	
<input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.	
Name of person with whom copies left	
Address where copies delivered or left	
<input type="checkbox"/> Service accepted by Defendant	
Date accepted	Signature
<input type="checkbox"/> Other manner of service (specify)	
<input checked="" type="checkbox"/> Defendant WAS NOT served for the following reason: <u>unable to locate prior to court date due to administration change</u>	

Service Fee Paid \$	Date Received <u>11-22-06</u>	Name of Sheriff <u>Chris Abril</u>
By	Date of Return <u>12-11-06</u>	County <u>Polk</u>
		Deputy Sheriff making return <u>Shannon Seall</u>

STATE OF NORTH CAROLINA  
COUNTY OF POLKSWORN TO AND SUBSCRIBED before me, this the 11th day of December, 2006

My Commission Expires:

June 12, 2010

Karen J. Lawrence  
NOTARY PUBLIC

Karen J. Lawrence  
Notary Public  
Polk County, NC  
My Commission Expires June 12, 2010

## RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

Defendant 1.

Date Served	Name of Defendant <u>Robert M. Palmer</u>
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.	
Name of person with whom copies left	
Address where copies delivered or left	
<input type="checkbox"/> Service accepted by Defendant	
Date accepted	Signature
<input type="checkbox"/> Other manner of service (specify)	
<input checked="" type="checkbox"/> Defendant WAS NOT served for the following reason: <u>unable to locate prior to court date due to administration change.</u>	

Service Fee Paid \$	Date Received <u>11-22-06</u>	Name of Sheriff <u>Chris Abril</u>
By	Date of Return <u>12-11-06</u>	County <u>Polk</u>
		Deputy Sheriff making return <u>Ronron Seall</u>

STATE OF NORTH CAROLINA  
COUNTY OF POLKSWORN TO AND SUBSCRIBED before me, this the 11th day of December, 2006

My Commission Expires:

June 12, 2010

Karen J. Lawrence  
NOTARY PUBLIC

Karen J. Lawrence  
Notary Public  
Polk County, NC  
My Commission Expires June 12, 2010

## RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

Defendant 1.

Date Served	Name of Defendant <u>White Oak Manor Nursing Facility</u>
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint.	
<input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.	
Name of person with whom copies left	
Address where copies delivered or left	
<input type="checkbox"/> Service accepted by Defendant	
Date accepted	Signature
<input type="checkbox"/> Other manner of service (specify).	
<input checked="" type="checkbox"/> Defendant WAS NOT served for the following reason, <u>unable to locate prior to court date due to administration change</u>	

Service Fee Paid \$	Date Received <u>11-22-06</u>	Name of Sheriff <u>Chris April</u>
By	Date of Return <u>12-11-06</u>	County <u>Polk</u>
		Deputy Sheriff making return <u>Shannon Seel</u>

STATE OF NORTH CAROLINA  
COUNTY OF POLKSWORN TO AND SUBSCRIBED before me, this the 11th day of December, 2006

My Commission Expires:

June 12, 2010

Karen J. Lawrence  
NOTARY PUBLIC

Karen J. Lawrence  
Notary Public  
Polk County, NC  
My Commission Expires June 12, 2010

## RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

Defendant 1.

Date Served	Name of Defendant <u>Laurel Woods Assisted Living</u>
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint.	
<input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.	
Name of person with whom copies left	
Address where copies delivered or left	
<input type="checkbox"/> Service accepted by Defendant	
Date accepted	Signature
<input type="checkbox"/> Other manner of service (specify)	
<input checked="" type="checkbox"/> Defendant WAS NOT served for the following reason: <u>unable to locate prior to court date due to administration change</u>	

Service Fee Paid \$	Date Received <u>11-22-06</u>	Name of Sheriff <u>Chris Abril</u>
By	Date of Return <u>12-11-06</u>	County <u>Polk</u>
		Deputy Sheriff making return <u>Ramon Scell</u>

STATE OF NORTH CAROLINA  
COUNTY OF POLKSWORN TO AND SUBSCRIBED before me, this the 11th day of December, 2006

My Commission Expires:

June 12, 2010
  
 NOTARY PUBLIC

Karen J. Lawrence Notary Public Polk County, NC My Commission Expires June 12, 2010
--

## RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

Defendant 1.

Date Served	Name of Defendant <u>Dr. Peter Nidenbach</u>
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.	
Name of person with whom copies left	
Address where copies delivered or left	
<input type="checkbox"/> Service accepted by Defendant	
Date accepted	Signature
<input type="checkbox"/> Other manner of service (specify)	
<input checked="" type="checkbox"/> Defendant WAS NOT served for the following reason: <u>unable to locate prior to court date due to administration change</u>	

Service Fee Paid \$	Date Received <u>11-22-06</u>	Name of Sheriff <u>Chris Abrial</u>
By	Date of Return <u>12-11-06</u>	County <u>Polk</u>
		Deputy Sheriff making return <u>Shannon Scell</u>

STATE OF NORTH CAROLINA  
COUNTY OF POLKSWORN TO AND SUBSCRIBED before me, this the 11th day of December, 2006

My Commission Expires:

June 12, 2010

Karen J. Lawrence  
NOTARY PUBLIC

Karen J. Lawrence  
Notary Public  
Polk County, NC  
My Commission Expires June 12, 2010

## RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

Defendant 1.

Date Served	Name of Defendant <u>Dr. George Kim</u>
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint.	
<input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.	
Name of person with whom copies left	
Address where copies delivered or left	
<input type="checkbox"/> Service accepted by Defendant	
Date accepted	Signature
<input type="checkbox"/> Other manner of service (specify)	
<input checked="" type="checkbox"/> Defendant WAS NOT served for the following reason: <u>unable to locate prior to court date due to administration change</u>	

Service Fee Paid \$	Date Received <u>11-22-06</u>	Name of Sheriff <u>Chris Abril</u>
By	Date of Return <u>12-11-06</u>	County <u>Polk</u>
		Deputy Sheriff making return <u>Shannon Scell</u>

STATE OF NORTH CAROLINA  
COUNTY OF POLKSWORN TO AND SUBSCRIBED before me, this the 11th day of December 2006

My Commission Expires:

June 12, 2010

Karen J. Lawrence  
NOTARY PUBLIC

Karen J. Lawrence  
Notary Public  
Polk County, NC  
My Commission Expires June 12, 2010



## RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

Defendant 1.

Date Served	Name of Defendant <u>St. Luke's Hospital</u>
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint.	
<input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.	
Name of person with whom copies left	
Address where copies delivered or left	
<input type="checkbox"/> Service accepted by Defendant	
Date accepted	Signature
<input type="checkbox"/> Other manner of service (specify)	
<input checked="" type="checkbox"/> Defendant WAS NOT served for the following reason, <u>unable to locate prior to court date due to administration change</u>	

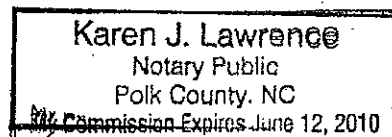
Service Fee Paid \$	Date Received <u>11-22-06</u>	Name of Sheriff <u>Chris Abril</u>
By	Date of Return <u>12-11-06</u>	County <u>Polk</u>
		Deputy Sheriff making return <u>Shannon Seall</u>

STATE OF NORTH CAROLINA  
COUNTY OF POLKSWORN TO AND SUBSCRIBED before me, this the 11th day of December, 2006

My Commission Expires:

June 12, 2010

Karen J. Lawrence  
NOTARY PUBLIC



## RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

Defendant 1.

Date Served	Name of Defendant
	St. Luke's Skilled Nursing Facility Dr. George Kim
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint.	
<input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.	
Name of person with whom copies left	
Address where copies delivered or left	
<input type="checkbox"/> Service accepted by Defendant	
Date accepted	Signature
<input type="checkbox"/> Other manner of service (specify)	
<input checked="" type="checkbox"/> Defendant WAS NOT served for the following reason: unable to locate prior to court date due to administration change	

Service Fee Paid	Date Received	Name of Sheriff
\$	11-22-06	Chris Abril
By	Date of Return	County
	12-11-06	Polk
		Deputy Sheriff making return
		Shannon Scell

STATE OF NORTH CAROLINA  
COUNTY OF POLKSWORN TO AND SUBSCRIBED before me, this the 11th day of December, 2006

My Commission Expires:

June 12, 2010


Karen J. Lawrence  
NOTARY PUBLIC

Karen J. Lawrence  
Notary Public  
Polk County, NC  
My Commission Expires June 12, 2010

The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Respectfully Submitted,

WALTER J. KELLY  
BY HIS ATTORNEY



Michele Carlucci, BBO# 655211  
WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

**CERTIFICATE OF SERVICE**

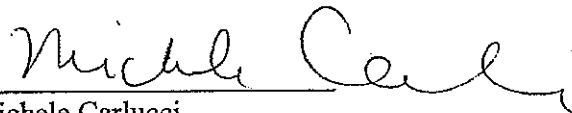
I, Michele Carlucci, certify that on November 28 2006, I have served a copy of the within document by first class mail, postage prepaid, to the following:

James S. Hamrock, Esq.  
Hamrock & Tocci  
101 Main Street, 18<sup>th</sup> Floor  
Cambridge, MA 02142

Blake J. Godbout, Esq.  
Blake J. Godbout & Associates  
33 Broad Street, 11th Floor  
Boston, MA 02109

Glen R. Davis, Esq.  
Latsha Davis Yohe & McKenna, P.C.  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050

Robert J. Roughsedge, Esq.  
Michael Williams, Esq.  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210-2414



Michele Carlucci

11/29/2006 18:04 FAX 7176202444

LATSHA DAVIS YOHE&MCKENNA

001



# LATSHA DAVIS YOHE & MCKENNA, P.C.

ATTORNEYS AT LAW

1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, Pennsylvania 17050  
(717) 620-2424  
(717) 620-2444 (Fax)

TO: Michele Carlucci, Esq.

FROM: Andrea E. Dean, Esq.

DATE: November 29, 2006

FAX NO.: (617) 423-6917

FILE NO.: 812-03

TOTAL PAGES SENT INCLUDING COVER PAGE: 21

MESSAGE:

## CONFIDENTIALITY NOTICE

The information in this transmission is intended only for the individual or entity named above. It may be legally privileged and confidential. If you have received this information in error, notify us immediately by calling our operator at the number set out below. Send the original transmission to us by mail. Return postage is guaranteed. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited.

\*\*\*\*\*

Please call Michelle Fournier at (717) 620-2424 if this information is unclear or incomplete

108990

11/29/2006 16:04 FAX 7178202444

LATSHA DAVIS YOHE&amp;MCKENNA

002



# LATSHA DAVIS YOHE & MCKENNA, P.C.

ATTORNEYS AT LAW

PLEASE REPLY TO: Mechanicsburg  
WRITER'S E-MAIL: adean@ldylaw.com

November 29, 2006

**Via Facsimile (617) 423-6917**

Michele Carlucci, Esq  
Wilson, Elser, Moskowitz,  
Edelman & Dicker LLP  
155 Federal Street  
Boston, MA 02110-1727

**Re: Subpoena to Keeper of Records for Black Mountain Center (Greenwood  
Inn Respite Center)  
Helen A. Runge v. Walter J. Kelly, et al.  
No. 05-10849-RGS  
Our File No. 812-03**

Dear Ms. Carlucci,

We are in receipt of the "Keeper of Records" subpoena that you on behalf of Defendant Walter Kelly recently submitted to the Brunswick County Sheriff in North Carolina for service on the above identified deponent. The date that you have again arbitrarily set conflicts with our schedule and availability. In addition, we request that you retract the subpoena, as it is unenforceable for the reasons set forth

The subpoena requires the deponent, who is not a party, to travel to Boston, Massachusetts, which is more than 100 miles from his or her place of employment. This will subject the deponent to undue burden in complying with the subpoena in violation of the provisions of Federal Rules of Civil Procedure (FRCP) 45. Further, you have failed to allow reasonable time for the deponent to comply with the subpoena for the deposition, which is scheduled for next week and requires travel to Boston, Massachusetts. Finally, the subpoena is not in the proper form because it does not incorporate subsections (c) and (d) of FRCP 45 as required by that rule.

1700 Bent Creek Boulevard, Suite 140 • Mechanicsburg, PA 17050 • (717) 620-2424 • FAX (717) 620-7444

350 Eagleview Boulevard, Suite 100 • Exton, PA 19341 • (610) 524-8454 • FAX (610) 524-9383

3000 Atrium Way, Suite 251 • Mt. Laurel, NJ 08054 • (856) 231-5351 • FAX (856) 231-5341

Maryland Telephone: (410) 727-2810

11/29/2006 16:04 FAX 7176202444

LATSHA DAVIS YOHE&amp;MCKENN

003

Michele Carlucci, Esq.  
November 29, 2006  
Page 2

Please advise us immediately whether you will withdraw the Keeper of Records subpoena. If not, we currently intend to pursue further action to quash the subpoena if this dispute cannot be amicably resolved.

Sincerely,



Andrea E. Dean

cc: George C. Rockas, Esq. (via facsimile 617-423-6917)  
James S. Hamrock, Jr., Esq. (via facsimile 617-496-1707)  
Michael Williams, Esq. (via facsimile 617-439-3987)  
Blake J. Godbout, Esq. (via facsimile 617-227-3709)  
Helen A. Runge  
Keeper of Records - Black Mountain Center (Greenwood Inn Respite Center)

111860

Received Nov-29-06 17:07

From-7176202444

To-WILSON ELSEY MOSKOWI

Page 003

11/29/2006 16:04 FAX 7176202444

LATSHA DAVIS YOHE&amp;MCKENNA

004

LATSHA DAVIS YOHE  
& MCKENNA, P.C.

ATTORNEYS AT LAW

PLEASE REPLY TO: Mechanicsburg  
WRITER'S E-MAIL: adean@ldylaw.com

November 29, 2006

Via Facsimile (617) 423-6917Michele Carlucci, Esq.  
Wilson, Elser, Moskowitz,  
Edelman & Dicker LLP  
155 Federal Street  
Boston, MA 02110-1727

Re: **Subpoena to Keeper of Records for B. Rhett Myers, M.D.**  
Helen A. Runge v. Walter J. Kelly, et al.  
No. 05-10849-RGS  
Our File No. 812-03

Dear Ms. Carlucci,

We are in receipt of the "Keeper of Records" subpoena that you on behalf of Defendant Walter Kelly recently submitted to the Greenville County Sheriff in South Carolina for service on the above identified deponent. The date that you have again arbitrarily set conflicts with our schedule and availability. In addition, we request that you retract the subpoena, as it is unenforceable for the reasons set forth.

The subpoena requires the deponent, who is not a party, to travel to Boston, Massachusetts, which is more than 100 miles from his or her place of employment. This will subject the deponent to undue burden in complying with the subpoena in violation of the provisions of Federal Rules of Civil Procedure (FRCP) 45. Further, you have failed to allow reasonable time for the deponent to comply with the subpoena for the deposition, which is scheduled for next week and requires travel to Boston, Massachusetts. Finally, the subpoena is not in the proper form because it does not incorporate subsections (c) and (d) of FRCP 45 as required by that rule.

1700 Bent Creek Boulevard, Suite 140 • Mechanicsburg, PA 17050 • (717) 620-7424 • FAX (717) 620-2444  
350 Eagleview Boulevard, Suite 100 • Exton, PA 19341 • (610) 524-8454 • FAX (610) 524-9383  
3000 Atrium Way, Suite 251 • Mt. Laurel, NJ 08054 • (856) 231-5351 • FAX (856) 231-5341  
Maryland Telephone: (410) 727-2610

11/29/2006 16:04 FAX 7176202444

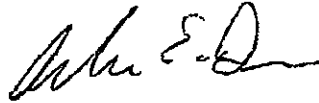
LATSHA DAVIS YOHE&amp;MCKENN

005

Michele Carlucci, Esq.  
November 29, 2006  
Page 2

Please advise us immediately whether you will withdraw the Keeper of Records subpoena. If not, we currently intend to pursue further action to quash the subpoena if this dispute cannot be amicably resolved.

Sincerely,



Andrea E. Dean

cc: George C. Rockas, Esq. (via facsimile 617 423-6917)  
James S. Hamrock, Jr., Esq. (via facsimile 617-496-1707)  
Michael Williams, Esq. (via facsimile 617-439-3987)  
Blake J. Godbout, Esq. (via facsimile 617-227-3709)  
Helen A. Runge  
Keeper of Records - B. Rhett Myers, M.D.

111892

Received Nov-29-06 17:07

From-7176202444

To-WILSON ELSEY MOSKOWI

Page 005



11/29/2006 16:04 FAX 7176202444

LATSHA DAVIS YOHE&amp;MCKENNA

14006



# LATSHA DAVIS YOHE & MCKENNA, P.C.

ATTORNEYS AT LAW

PLEASE REPLY TO: Mechanicsburg  
WRITER'S E-MAIL: adean@ldylaw.com

November 29, 2006

**Via Facsimile (617) 423-6917**

Michele Carlucci, Esq.  
Wilson, Elser, Moskowitz,  
Edelman & Dicker LLP  
155 Federal Street  
Boston, MA 02110-1727

**Re: Subpoena to Keeper of Records for Robert M. Palmer, M.D.**  
Helen A. Runge v. Walter J. Kelly, et al.  
No. 05-10849-RGS  
Our File No. 812-03

Dear Ms. Carlucci,

We are in receipt of the "Keeper of Records" subpoena that you on behalf of Defendant Walter Kelly recently submitted to the Polk County Sheriff in North Carolina for service on the above identified deponent. The date that you have again arbitrarily set conflicts with our schedule and availability. In addition, we request that you retract the subpoena, as it is unenforceable for the reasons set forth.

The subpoena requires the deponent, who is not a party, to travel to Boston, Massachusetts, which is more than 100 miles from his or her place of employment. This will subject the deponent to undue burden in complying with the subpoena in violation of the provisions of Federal Rules of Civil Procedure (FRCP) 45. Further, you have failed to allow reasonable time for the deponent to comply with the subpoena for the deposition, which is scheduled for next week and requires travel to Boston, Massachusetts. Finally, the subpoena is not in the proper form because it does not incorporate subsections (c) and (d) of FRCP 45 as required by that rule.

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3000 Atrium Way, Suite 251 • Mt. Laurel, NJ 08054 • (856) 231-5351 • FAX (856) 231-5341  
Maryland Telephone: (410) 727-2010

11/29/2006 16:04 FAX 7176202444

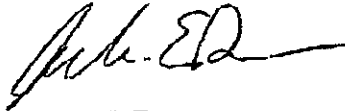
LATSHA DAVIS YOHE&amp;MCKENN

007

Michele Carlucci, Esq.  
November 29, 2006  
Page 2

Please advise us immediately whether you will withdraw the Keeper of Records subpoena. If not, we currently intend to pursue further action to quash the subpoena if this dispute cannot be amicably resolved.

Sincerely,



Andrea E. Dean

cc: George C. Rockas, Esq. (via facsimile 617 423-6917)  
James S. Hamrock, Jr., Esq. (via facsimile 617-496-1707)  
Michael Williams, Esq. (via facsimile 617-439-3987)  
Blake J. Godbout, Esq. (via facsimile 617-227-3709)  
Helen A. Runge  
Keeper of Records - Robert M. Palmer, M.D.

111893

Received Nov-29-06 17:07

From-7176202444

To-WILSON ELSEY MOSKOWI

Page 007

11/29/2006 16:05 FAX 7176202444

LATSHA DAVIS YOHE&amp;MCKENNA

12008



# LATSHA DAVIS YOHE & MCKENNA, P.C.

ATTORNEYS AT LAW

PLEASE REPLY TO: Mechanicsburg  
WRITER'S E-MAIL: adean@ldylaw.com

November 29, 2006

**Via Facsimile (617) 423-6917**

Michèle Carlucci, Esq.  
Wilson, Elser, Moskowitz,  
Edelman & Incker LLP  
155 Federal Street  
Boston, MA 02110-1727

**Re: Subpoena to Keeper of Records for White Oak Manor (Benson Hall  
Assisted Living Facility)  
Helen A. Runge v. Walter J. Kelly, et al.  
No. 05-10849-RGS  
Our File No. 812-03**

Dear Ms. Carlucci,

We are in receipt of the "Keeper of Records" subpoena that you on behalf of Defendant Walter Kelly recently submitted to the Polk County Sheriff in North Carolina for service on the above identified deponent. The date that you have again arbitrarily set conflicts with our schedule and availability. In addition, we request that you retract the subpoena, as it is unenforceable for the reasons set forth.

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1700 Bent Creek Boulevard, Suite 140 • Mechanicsburg, PA 17050 • (717) 620-2474 • FAX (717) 620-2444

350 Eagleview Boulevard, Suite 100 • Exton, PA 19341 • (610) 324-8434 • FAX (610) 324-9383

3000 Arrium Way, Suite 251 • Mt. Laurel, NJ 08054 • (856) 231-5331 • FAX (856) 231-5341

Maryland Telephone: (410) 727-2810

Received Nov-28-06 17:07

From-7176202444

To-WILSON ELSEY MOSKOWI Page 008

11/29/2006 16:05 FAX 7176202444

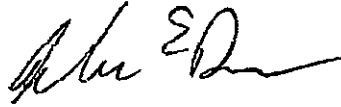
LATSHA DAVIS YOHE&MCKENN

009

Michele Carlucci, Esq.  
November 29, 2006  
Page 2

Please advise us immediately whether you will withdraw the Keeper of Records subpoena. If not, we currently intend to pursue further action to quash the subpoena if this dispute cannot be amicably resolved.

Sincerely,



Andrea E. Dean

cc: George C. Rockas, Esq. (via facsimile 617 423-6917)  
James S. Hamrock, Jr., Esq. (via facsimile 617-496-1707)  
Michael Williams, Esq. (via facsimile 617-439-3987)  
Blake J. Godbout, Esq. (via facsimile 617-227-3709)  
Keeper of Records - White Oak Manor (Benson Hall Assisted Living Facility)

111894

Received Nov-29-06 17:07

From-7176202444

To-WILSON ELSEY MOSKOWI

Page 009

11/29/2006 16:05 FAX 7176202444

LATSHA DAVIS YOHE&amp;MCKENN

010

**LATSHA DAVIS YOHE  
& MCKENNA, P.C.**

ATTORNEYS AT LAW

PLEASE REPLY TO: Mechanicsburg  
WRITER'S E-MAIL: adcan@ldylaw.com

November 29, 2006

**Via Facsimile (617) 423-6917**

Michele Carlucci, Esq.  
Wilson, Elser, Moskowitz,  
Edelman & Dicker LLP  
155 Federal Street  
Boston, MA 02110-1727

**Re: Subpoena to Keeper of Records for White Oak Manor (Nursing Facility)**  
Helen A. Runge v. Walter J. Kelly, et al.  
No. 05 10849 RGS  
Our File No. 812-03

Dear Ms. Carlucci,

We are in receipt of the "Keeper of Records" subpoena that you on behalf of Defendant Walter Kelly recently submitted to the Polk County Sheriff in North Carolina for service on the above identified deponent. The date that you have again arbitrarily set conflicts with our schedule and availability. In addition, we request that you retract the subpoena, as it is unenforceable for the reasons set forth.

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1700 Bear Creek Boulevard, Suite 140 • Mechanicsburg, PA 17050 • (717) 670-7474 • FAX (717) 670-2444

350 Eagleview Boulevard, Suite 100 • Exton, PA 19341 • (610) 524-8454 • FAX (610) 524-9383

3000 Atrium Way, Suite 251 • Mt. Laurel, NJ 08054 • (856) 231-5351 • FAX (856) 231-5341

Maryland Telephone: (410) 727-2810

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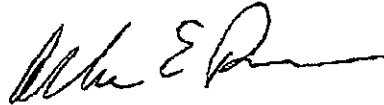
LATSHA DAVIS YOHE&MCKENN

011

Michele Carlucci, Esq.  
November 29, 2006  
Page 2

Please advise us immediately whether you will withdraw the Keeper of Records subpoena. If not, we currently intend to pursue further action to quash the subpoena if this dispute cannot be amicably resolved.

Sincerely,



Andrea E. Dean

cc: George C. Rockas, Esq. (via facsimile 617 423-6917)  
James S. Hamrock, Jr., Esq. (via facsimile 617-496-1707)  
Michael Williams, Esq. (via facsimile 617-439-3987)  
Blake J. Godbout, Esq. (via facsimile 617-227-3709)  
Keeper of Records - White Oak Manor (Nursing Facility)

111002

Received Nov-29-06 17:07

From-7176202444

To-WILSON ELSEER MOSKOWI

Page 011

11/29/2006 16:05 FAX 7176202444

LATSHA DAVIS YOHE&amp;MCKENNA

1012



# LATSHA DAVIS YOHE & MCKENNA, P.C.

ATTORNEYS AT LAW

PLEASE REPLY TO: Mechanicsburg  
WRITER'S E-MAIL: adean@ldylaw.com

November 29, 2006

**Via Facsimile (617) 423-6917**

Michele Carlucci, Esq.  
Wilson, Elser, Moskowitz,  
Edelman & Dicker LLP  
155 Federal Street  
Boston, MA 02110-1727

**Re: Subpoena to Keeper of Records for LaurelWoods Assisted Living**  
Helen A. Runge v. Walter J. Kelly, et al.  
No. 05-10849-RGS  
Our File No. 812-03

Dear Ms. Carlucci,

We are in receipt of the "Keeper of Records" subpoena that you on behalf of Defendant Walter Kelly recently submitted to the Polk County Sheriff in North Carolina for service on the above identified deponent. The date that you have again arbitrarily set conflicts with our schedule and availability. In addition, we request that you retract the subpoena, as it is unenforceable for the reasons set forth.

The subpoena requires the deponent, who is not a party, to travel to Boston, Massachusetts, which is more than 100 miles from his or her place of employment. This will subject the deponent to undue burden in complying with the subpoena in violation of the provisions of Federal Rules of Civil Procedure (FRCP) 45. Further, you have failed to allow reasonable time for the deponent to comply with the subpoena for the deposition, which is scheduled for next week and requires travel to Boston, Massachusetts. Finally, the subpoena is not in the proper form because it does not incorporate subsections (c) and (d) of FRCP 45 as required by that rule.

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3000 Autumn Way, Suite 251 • Mt. Laurel, NJ 08054 • (856) 231-5351 • FAX (856) 231-5341

Maryland Telephone: (410) 727-2810

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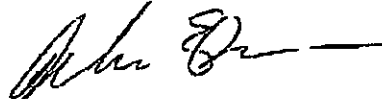
LATSHA DAVIS YOHE&MCKENN

013

Michele Carlucci, Esq.  
November 29, 2006  
Page 2

Please advise us immediately whether you will withdraw the Keeper of Records subpoena. If not, we currently intend to pursue further action to quash the subpoena if this dispute cannot be amicably resolved.

Sincerely,



Andrea E. Dean

cc: George C. Rockas, Esq. (via facsimile 617 423-6917)  
James S. Hamrock, Jr., Esq. (via facsimile 617-496-1707)  
Michael Williams, Esq. (via facsimile 617-439-3987)  
Blake J. Godbout, Esq. (via facsimile 617-227-3709)  
Helen A. Runge  
Keeper of Records - Laurel Woods Assisted Living

111895

Received Nov-29-06 17:07

From-7176202444

To-WILSON ELSEY MOSKOWI Page 013



11/29/2006 16:05 FAX 7176202444

LATSHA DAVIS YOHE&amp;MCKENNA

014

**LATSHA DAVIS YOHE  
& MCKENNA, P.C.**

ATTORNEYS AT LAW

PLEASE REPLY TO: Mechanicsburg  
WRITER'S E-MAIL: aduan@ldylaw.com

November 29, 2006

**Via Facsimile (617) 423-6917**

Michele Carlucci, Esq.  
Wilson, Elser, Moskowitz,  
Edelman & Dicker LLP  
155 Federal Street  
Boston, MA 02110-1727

**Re: Subpoena to Keeper of Records for Dr. George Kim**  
Helen A. Runge v. Walter J. Kelly, et al.  
No. 05-10849 RGS  
Our File No. 812-03

Dear Ms. Carlucci,

We are in receipt of the "Keeper of Records" subpoena that you on behalf of Defendant Walter Kelly recently submitted to the Polk County Sheriff in North Carolina for service on the above identified deponent. The date that you have again arbitrarily set conflicts with our schedule and availability. In addition, we request that you retract the subpoena, as it is unenforceable for the reasons set forth.

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3000 Atrium Way, Suite 251 • Mt. Laurel, NJ 08054 • (856) 231-5351 • FAX (856) 231-5341

Maryland Telephone: (410) 727-2810

11/29/2006 16:05 FAX 7176202444

LATSHA DAVIS YOHE&amp;MCKENN

015

Michele Carlucci, Esq.  
November 29, 2006  
Page 2

Please advise us immediately whether you will withdraw the Keeper of Records subpoena. If not, we currently intend to pursue further action to quash the subpoena if this dispute cannot be amicably resolved.

Sincerely,



Andrea E. Dean

cc: George C. Rockas, Esq. (via facsimile 617 423-6917)  
James S. Hamrock, Jr., Esq. (via facsimile 617-496-1707)  
Michael Williams, Esq. (via facsimile 617-439-3987)  
Blake J. Godbout, Esq. (via facsimile 617-227-3709)  
Helen A. Runge  
Keeper of Records - Dr. George Kim

111886

11/29/2006 16:05 FAX 7176202444

LATSHA DAVIS YOHE&amp;MCKENNA

016

**LATSHA DAVIS YOHE  
& MCKENNA, P.C.**

ATTORNEYS AT LAW

PLEASE REPLY TO: Mechanicsburg  
WRITER'S E-MAIL: [zdcarr@ldylaw.com](mailto:zdcarr@ldylaw.com)

November 29, 2006

**Via Facsimile (617) 423-6917**

Michele Carlucci, Esq.  
Wilson, Elser, Moskowitz,  
Edelman & Dicker LLP  
155 Federal Street  
Boston, MA 02110-1727

**Re: Subpoena to Keeper of Records for Dr. Peter Nidenbach**  
Helen A. Runge v. Walter J. Kelly, et al.  
No. 05 10849-RGS  
Our File No. 812-03

Dear Ms. Carlucci,

We are in receipt of the "Keeper of Records" subpoena that you on behalf of Defendant Walter Kelly recently submitted to the Polk County Sheriff in North Carolina for service on the above identified deponent. The date that you have again arbitrarily set conflicts with our schedule and availability. In addition, we request that you retract the subpoena, as it is unenforceable for the reasons set forth.

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Maryland Telephone: (410) 727-2810

11/29/2006 16:06 FAX 7176202444

LATSHA DAVIS YOHE&amp;MCKENN

0017

Michele Carlucci, Esq.  
November 29, 2006  
Page 2

Please advise us immediately whether you will withdraw the Keeper of Records subpoena. If not, we currently intend to pursue further action to quash the subpoena if this dispute cannot be amicably resolved.

Sincerely,



Andrea E. Dean

cc: George C. Rockas, Esq. (via facsimile 617 423-6917)  
James S. Hamrock, Jr., Esq. (via facsimile 617-496-1707)  
Michael Williams, Esq. (via facsimile 617-439-3987)  
Blake J. Godbout, Esq. (via facsimile 617-227-3709)  
Helen A. Runge  
Keeper of Records - Dr. Peter Nidenbach

111897

Received Nov-29-06 17:07

From-7176202444

To-WILSON ELSER MOSKOWI

Page 017

11/29/2006 16:06 FAX 7178202444

LATSHA DAVIS YOHE&amp;MCKENNA

018

**LATSHA DAVIS YOHE  
& MCKENNA, P.C.**

ATTORNEYS AT LAW

PLEASE REPLY TO: Mechanicsburg  
WRITER'S E-MAIL: adcan@ldylaw.com

November 29, 2006

**Via Facsimile (617) 423-6917**

Michele Carlucci, Esq.  
Wilson, Elser, Moskowitz,  
Edelman & Dicker LLP  
155 Federal Street  
Boston, MA 02110-1727

**Re: Subpoena to Keeper of Records for St. Luke's Hospital**  
Helen A. Runge v. Walter J. Kelly, et al.  
No. 05 10849-RGS  
Our File No. 812-03

Dear Ms. Carlucci,

We are in receipt of the "Keeper of Records" subpoena that you on behalf of Defendant Walter Kelly recently submitted to the Polk County Sheriff in North Carolina for service on the above identified deponent. The date that you have again arbitrarily set conflicts with our schedule and availability. In addition, we request that you retract the subpoena, as it is unenforceable for the reasons set forth.

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Maryland Telephone: (410) 727-2810

11/29/2006 16:06 FAX 7176202444

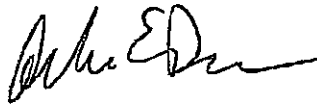
LATSHA DAVIS YOHE&amp;MCKENN

019

Michele Carlucci, Esq.  
November 29, 2006  
Page 2

Please advise us immediately whether you will withdraw the Keeper of Records subpoena. If not, we currently intend to pursue further action to quash the subpoena if this dispute cannot be amicably resolved.

Sincerely,



Andrea E. Dean

cc: George C. Rockas, Esq. (via facsimile 617 423-6917)  
James S. Hamrock, Jr., Esq. (via facsimile 617-496-1707)  
Michael Williams, Esq. (via facsimile 617-439-3987)  
Blake J. Godbout, Esq. (via facsimile 617-227-3709)  
Helen A. Runge  
Keeper of Records St. Luke's Hospital

111898

Received Nov-29-06 17:07

From-7176202444

To-WILSON ELSEY MOSKOWI

Page 019

11/29/2006 16:06 FAX 7176202444

LATSHA DAVIS YOHE&amp;MCKENNA

020

**LATSHA DAVIS YOHE  
& MCKENNA, P.C.**

ATTORNEYS AT LAW

PLEASE REPLY TO: Mechanicsburg  
WRITER'S E-MAIL: adcan@ldylaw.com

November 29, 2006

**Via Facsimile (617) 423-6917**

Michele Carlucci, Esq.  
Wilson, Elser, Moskowitz,  
Edelman & Dicker LLP  
155 Federal Street  
Boston, MA 02110-1727

**Re: Subpoena to Keeper of Records for St. Luke's Skilled Nursing Facility**  
Helen A. Runge v. Walter J. Kelly, et al.  
No. 05-10849-RGS  
Our File No. 812-03

Dear Ms. Carlucci,

We are in receipt of the "Keeper of Records" subpoena that you on behalf of Defendant Walter Kelly recently submitted to the Polk County Sheriff in North Carolina for service on the above identified deponent. The date that you have again arbitrarily set conflicts with our schedule and availability. In addition, we request that you retract the subpoena, as it is unenforceable for the reasons set forth.

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3000 Arrium Way, Suite 251 • Mt. Laurel, NJ 08054 • (856) 231-5351 • FAX (856) 231-5341

Maryland Telephonic: (410) 727-2810

11/29/2006 16:06 FAX 7176202444

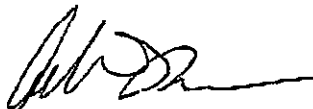
LATSHA DAVIS YOHE&amp;MCKENN

021

Michele Carlucci, Esq.  
November 29, 2006  
Page 2

Please advise us immediately whether you will withdraw the Keeper of Records subpoena. If not, we currently intend to pursue further action to quash the subpoena if this dispute cannot be amicably resolved

Sincerely,



Andrea E. Dean

cc: George C. Rockas, Esq. (via facsimile 617-423-6917)  
James S. Hamrock, Jr., Esq. (via facsimile 617-496-1707)  
Michael Williams, Esq. (via facsimile 617-439-3987)  
Blake J. Godbout, Esq. (via facsimile 617-227-3709)  
Helen A. Runge  
Keeper of Records – St. Luke's Skilled Nursing Facility

111899

Received Nov-29-06 17:07

From-7176202444

To-WILSON ELSEER MOSKOWI

Page 021



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EASTERN DIVISION

No. 05-10849RGS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

**AFFIDAVIT OF MICHELE CARLUCCI, ESQ. IN SUPPORT OF  
DEFENDANT WALTER J. KELLY'S OPPOSITION TO  
PLAINTIFF'S MOTION FOR A PROTECTIVE ORDER**

I, Michele Carlucci, counsel for Defendant Walter Kelly, upon personal  
knowledge state:

1. On November 22, 2006, I sent eight (8) subpoenas to the Polk County Sheriff's  
Office for service upon the following medical providers:

1. Robert M. Palmer, M.D., Tryon Medical Group, P.A., 25 Shields Drive,  
Tryon, NC 28782;
2. White Oak Manor (Benson Hall Assisted Living Facility), 70 Oak Street,  
Tryon, NC 28782;
3. White Oak Manor (Nursing Facility), 70 Oak Street, Tryon, NC;
4. LaurelWoods Assisted Living, 1062 & 1064 W. Mills Street, Columbus,  
NC 28722;
5. Dr. George Kim, 2536 Lynn Road, Suite B, Tryon, NC 28782;
6. Dr. Peter Nidenbach, Laurelllyn Medical Group, 37 Wilderness Road,  
Tryon, NC 28782;
7. St. Luke's Hospital, 101 Hospital Drive, Columbus, NC 28722; and

8. St. Luke's Skilled Nursing Facility, Dr. George Kim, 101 Hospital Drive, Columbus, NC 28722.

[A true and accurate copy is attached as Exhibit A].

2. All counsel was copied on the letter to the Sheriff and all counsel were sent copies of the enclosed subpoenas at that time.

3. On November 29, 2006, Plaintiff's counsel sent letters of objection for each of the eight (8) subpoenas to counsel for Defendant Kelly on the purported grounds that the dates "arbitrarily set" conflicted with counsel's schedule and that the subpoenas were unenforceable. I contacted counsel for the Plaintiff, Andrea Dean, and left a message stating that Defendant did not expect the keepers of records to appear for deposition, but rather to send records in lieu of attending, as indicated on the subpoenas. I specifically stated in the message that if Plaintiff's counsel continued to object to the subpoenas, that she should contact me. I did not hear back from plaintiff's counsel.

4. On January 8, 2007, I received a phone call from Polk County Sheriff's Office informing me that the subject eight (8) subpoenas had not yet been served due to a change in administration in the Sheriff's Office.

5. Because the dates for the subpoenas had passed, I prepared new subpoenas and re-sent them to the Sheriff's Office for service.

6. During my Rule 37.1 conference with Attorney Dean and Attorney Davis, counsel for the Plaintiff, I informed plaintiff's counsel of the details of the Sheriff's failure to serve the subject subpoenas.

7. I have not received any objection to the subpoenas from the medical providers – the actual recipients of the subject eight (8) subpoenas.

8. On January 26, 2007, I received records in response to the subpoenas from St. Luke's Hospital. In an email, I informed Plaintiff's counsel of receipt of these records prior to Plaintiff's filing of this motion. [A true and accurate copy of the email is attached as Exhibit D].

9. In an effort to reach an amicable resolution of this discovery dispute, I reminded Plaintiff's counsel that the records sought through these subpoenas should have been provided pursuant to Rule 34 and in response to Defendants' Requests for Production of Documents. I requested releases from the Plaintiff to obtain these records, but Plaintiff's counsel refused.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS \_\_\_\_\_TH  
DAY OF JANUARY, 2007.

---

Michele Carlucci

Commonwealth of Massachusetts  
The Trial Court  
Probate and Family Court Department

Norfolk Division

Docket No. 116

TEMPORARY

MEDICAL CERTIFICATE -- GUARDIANSHIP

03P11046I

To the Honorable Justices of the Probate and Family Court:

The undersigned hereby certifies under the penalties of perjury that I am a registered physician and that I personally examined Helen Runge

Sunbridge, 1380 Columbia Rd.  
(street address)

Randolph  
(name of proposed ward)  
(city or town)

MA  
(state)

on April 29, 2003  
(date of examination)

and in my opinion the proposed ward:

- ☒ is a mentally ill person to the degree that he/she is incapable of caring for his/her personal and/or financial affairs.
- ☐ is a person who is unable to make or communicate informed decisions due to physical incapacity.

THIS SECTION MUST BE COMPLETED FOR A GUARDIANSHIP PETITION

Describe in detail the diagnosis leading to the aforementioned opinion (including the types of decisions which the proposed ward has sufficient mental ability to make):

This 87 year old Caucasian divorced female suffers from Alzheimer's dementia with paranoid delusions. Because of her paranoia, and probably also because of her cognitive limitations, she lacks the ability to make sound decisions about certain personal affairs, in-

(OVER)

## (MEDICAL CERTIFICATE -- GUARDIANSHIP BACK)

cluding whether to take her  
psychiatric medications.  
For example, she thinks that  
the nursing home staff is  
purposely giving her too many  
medications to take - compared  
to what has been ordered.

Date

4/29/03

Kerry Bloomingdale, M.D.  
(signature)

Kerry Bloomingdale, M.D. (NEG)

(PRINT name)

1132 Westfield Street

(address, including zip code)

Springfield, MA 01089

Tel. No. ( 800 ) 378-5454

JEWISH MEMORIAL HOSPITAL  
and REHABILITATION CENTER01-69-83 3003035  
02/25/00 08/13/15  
KAPL 2

## INTEGRATED PROGRESS NOTES

LEGEND: C - CONSULT TC- TEAM CONFERENCE TR- THERAPEUTIC RECREATION  
(ONE) LINE NUTR- NUTRITION SW- SOCIAL WORK CD- COMMUNICATION DISORDERS  
BETWEEN NOTES MED- PHYSICIAN N- NURSING OT- OCCUPATIONAL THERAPY  
DEPT. DESIGNATION ON FIRST LINE OF NOTE RC- RESPIRATORY CARE PT- PHYSICAL THERAPY

DATE / SHIFT / TIME	MEDICAL STAFF BEGIN HERE	HOSPITAL STAFF BEGIN HERE
2-27		<p>Psychiatry:-</p> <p>Patient is seen, chart is reviewed and report received. Patient remain delusional and experiencing visual hallucinations. Patient is alert, awake and cooperative. Speech- pressured. Good eye contact. ⊕ psychomotor restlessness. ⊕ visual hall and paranoid delusions. Poor insight and judgement. ↑ Zyprexa 1.25 x PO bid. U.U.U.U</p>
2/27/00		Nursing:
11-7am		<p>pt 1 E Alert and responsive. Slept well this shift for 6-17. No delusional thoughts expressed.</p> <p>pt 2 E No injury noted.</p> <p>pt 4 E. ⊕ in ADLs. Esther Angadur</p>

JEWISH MEMORIAL HOSPITAL  
AND REHABILITATION CENTER  
59 TOWNSEND ST.  
BOSTON, MA 02119

RUNGE, HELEN  
016983  
02/24/00  
KAPL 2

3003035  
08/13/15

\* \* \* \* \*

**ADMISSION HISTORY, PHYSICAL EXAMINATION, ASSESSMENT AND PLAN:**

DATE/TIME: 4<sup>30</sup> pm admit from Home *also called*

PRIOR MEDICAL CARE PROVIDER: social worker Haydee Nunez

and DR. Moroguin 522-6700 B19

**HISTORY OF PRESENT ILLNESS:**

Evaluation of this 84 year old female with increasing paranoia + delusional thinking. Pt feels she is being made ill by environment in apartment eg lack of strength and pneumonia.

**PAST MEDICAL HISTORY:**

1. HTN osteoarthritis
2. cataract surgery (R eye) Sept '99 obs
3. obesity ? prior hx pneumonia

**REVIEW OF SYSTEMS:**

SKIN: non contributory

CARDIOVASCULAR:

RESPIRATORY:

GASTROINTESTINAL:

GENITOURINARY:

**JEWISH MEMORIAL HOSPITAL & REHABILITATION CENTER  
59 TOWNSEND STREET  
ROXBURY, MASSACHUSETTS 02119**

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RUNGE, HELEN  
HOSPITAL #: 1-69-83

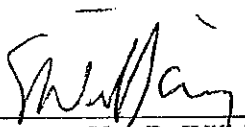
**CLINICAL DIAGNOSES**

Psychotic Disorder: NOS with Delusional and Paranoid thinking (minimal Improvement)  
Hypertension  
Degenerative Joint Disease with Osteoarthritis and Gibbus of Spine  
Obstipation  
S/P right Cataract Replacement with  
Xerophthalmia

**DISCHARGE MEDICATIONS**

Zyprexa 1.25 mg bid p.o.  
ECASA 325 mg p.o. qd  
Colace 100 mg p.o. HS  
Norvasc 5 mg p.o. qd  
Natural Tears 2 gtts. OU qid

**ADDITIONAL DISCHARGE INSTRUCTIONS/DISPOSITION:** Diet: NAS. Careful follow-up by United Home Care to assure compliance with Zyprexa. Patient has appointment with Dr. Munir, at JMHRC as an outpatient to continue follow-up for her delusional thinking. Patient is being discharged home 2/29/00.

  
\_\_\_\_\_  
Dr. Spencer Van B. Wilking  
Attending Physician

SW/if

D: 2/29  
T: 2/29



**JEWISH MEMORIAL HOSPITAL  
and REHABILITATION CENTER**

### INTEGRATED PROGRESS NOTES

RUNGE, HELEN  
01-69-83 3003039  
02/25/00 08/13/15  
KAPL 2

DATE / SHIFT / TIME	MEDICAL STAFF BEGIN HERE	HOSPITAL STAFF BEGIN HERE
2-28-00		<p>Psychiatry:-</p> <p>Patient is seen, chart is reviewed and report received. Patient still believes that there were bugs in her apartment and they were destroying her apartment and they were biting her. Patient is denying any emotional problems. Patient stated that she changed carpet more than one time due to fear of bugs. She also stated that she took her landlord to small claim court for fumigation and she thinks that she does not belong here.</p> <p>Patient is alert, aware and suspicious. ④ pressured speech. ④ circumstantial thought process. Good eye contact. ④ psychomotor restlessness. Affect - labile. Patient's delusional thinking continue. Poor insight and judgement.</p> <p>Patient is on Risperdal. She is tolerating meds well. May need guardianship for psychiatric Rx.</p> <p style="text-align: right;">U. Yumura</p>

JEWISH MEMORIAL HOSPITAL  
AND REHABILITATION CENTER  
59 Townsend Street., Boston, MA 02119

OTHER RELEVANT DATA:

LABS: \_\_\_\_\_

RADIOLOGY: \_\_\_\_\_

EKG: \_\_\_\_\_

OTHER: \_\_\_\_\_

REASONS FOR HOSPITALIZATION WITH ASSESSMENT AND PLAN:

- ① evaluation increasing delusions regarding home environment "poisoning" patient ie water flooding her floor carpet beetles + pneumonia pulling out hand fulls of hair
  - ② HTN: will continue norvasc and adjust as needed
  - ③ Obstruction will use colace 100mg daily
  - ④ Allergies: NKA
  - ⑤ DTD: will readjust as needed
  - ⑥ Potential Nutritional Debitity will check on Nutritional Status,
  - ⑦ Neuro Pt may need competency eval plus Neuro.
  - ⑧ Cataract indectomy @ eye
- SIGNATURE/HOUSE STAFF *Xeroophthamia* SIGNATURE/ATTENDING PHYSICIAN *Shirley*

(4)

## PROGRESS NOTES

FAMILY NAME

Helen

FIRST NAME

Kendall

ATTENDING PHYSICIAN

Gomez

ROOM NO.

DATE

NOTES SHOULD BE SIGNED BY PHYSICIAN

88y/o w/ Transfer  
 for MMH  
 h/o dementia & psychotic features  
 w/ anxiety  
 Pt had difficulty with  
 roommate, claimed patients  
 & roommates were stealing  
 things  
 Pt transferred to Bay  
 2 pent

h/o ASD  
 h/o  
 anxiety  
 dementia & psychotic features  
 & hallucinations  
 h/o anorexia h/o paranoia  
 suggest of  
 shy widow, 1 child & little  
 communication

On the, frail w/

455  
 JK on ptery  
 chest clear, & hyper  
 crs S-S, & Kyphosis  
 ext S  
 m s alert, oriented

## PROGRESS NOTES

FAMILY NAME	FIRST NAME	ATTENDING PHYSICIAN	ROOM NO.
DATE	NOTES SHOULD BE SIGNED BY PHYSICIAN		
	<p> <i>1/20/07</i>  <i>88 y/o h/o anxiety &amp; dementia &amp; psychotic features</i>  <i>QTD, DTR</i> </p>		
	<p> <i>April 6/ dementia</i>  <i>(+) psychotic features</i>  <i>→ (+) hallucinations</i>  <i>poor medical compliance</i>  <i>h/o organic causes</i>  <i>rec + evaluation</i>  <i>? brief hospitalization</i>  <i>frail ante psychotic</i> </p>		
	<p> <i>A3 DTR fair control</i>  <i>encourage compliance</i> </p>		
	<p> <i>A4 QTD</i>  <i>continued referral</i> </p>		
	<p> <i>A5 h/o anemia</i>  <i>on to 50y</i> </p>		
	<p><i>pm</i></p>		

ST. LUKE'S HOSPITAL  
COLUMBUS, NORTH CAROLINA 28722

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DISCHARGE SUMMARY

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NAME: RUNGE HELEN + NUMBER: 660472 MR #: 056096  
SEX: F AGE: 88 TYPE: GP ROOM#: 315  
ADMIT: 10/07/03 DISC.: 10/28/03 DATE OF BIRTH: 08/03/1915  
PHYSICIANS: 085000 RATCLIFFE, ROBERT R MD

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PLACE OF ORIGIN AND DISCHARGE DISPOSITION:

Her daughter's home in Columbus, NC. Her follow up psychiatric and medical will be with Dr. Todd Walter.

DISCHARGE DIAGNOSIS:

AXIS I: Late onset delusional disorder and early dementia  
AXIS II: 0  
AXIS III: Hypertension, DJD, iron deficiency anemia  
AXIS IV: Severe  
AXIS V: 25

DISCHARGE MEDICATIONS:

Luvox 100 mg hs., Centrum multivitamin one a day, Lexapro 10 mg a.m., Risperdal 1 mg hs., Xanax .5 p.r.n. agitation every 4-6 hours.

CHIEF COMPLAINT:

"Don't know why I am here, I think I am alright."

PRESENT ILLNESS AND PROBLEMS:

This 88-year-old female was living at home with her daughter, and had been since about April of this year. She had become progressively more suspicious and paranoid, thinking that people were stealing from her. She became angry with the daughter, constantly yelling at her. The daughter felt that she could not manage her at home without having the behavior evaluated and treated to some extent. It should be noted that the patient has a fairly long history suggestive of secretiveness and paranoid personality traits, not trusting of other people. She had been living in the Boston, MA area, and had been living in a nursing home. The daughter, who had been living in Columbus, heard or felt that the mother was being somewhat mistreated or neglected in the nursing home and she went to Boston, signed the patient out and brought the mother down here to live with her.

MENTAL STATUS:

Patient was reasonably cooperative, but seemed somewhat angry at being here, somewhat demanding. She was fairly cooperative, alert. No abnormal tremors or motor behavior. Speech was quite articulate and vocabulary good. On orientation she scored a 24 out of 30 on the MMSE. Affect was somewhat irritable and demanding. She seemed to have some encoding memory. No bizarre perceptual abnormalities. Intellectual functioning was judged to have been

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average in the premorbid state. Assets: patient could be pleasant. She has a daughter involved with her care. Diagnostic impression was possible paranoid personality disorder, with superimposed early dementia.

PHYSICAL EXAMINATION:

Done in consultation with Dr. Todd Walter. Vital signs: temperature 97, pulse 68, and blood pressure 184/66. She was in no distress. Neck supple. No carotid bruits. Lungs clear. Heart regular rate and rhythm without murmur, rubs or gallop. Abdomen soft, non-tender. Labs, white count 5,200. Hemoglobin 9.8, hematocrit 27.8, MCV 92, BUN 13, creatinine 1.1. Physical impression was hypertension and iron deficiency anemia.

HOSPITAL COURSE:

For the first 3-4 days patient was quite angry and demanding of being here, but she seemed to settle down in her room. She would isolate for the most part, but she would come out and socialize with other patients on occasion and actually seemed in a fairly good mood and somewhat jocular and jovial, telling jokes on occasion. The daughter visited and felt that her mother was actually better and she could manage her once again at home, and accordingly the patient was discharged to her daughter.

RR:cp/3819  
D: 11/07/03  
T: 11/13/03

ROBERT R. RATCLIFFE, M.D.

ST. LUKE'S HOSPITAL  
COLUMBUS, NORTH CAROLINA 28722

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PSYCHIATRIC ASSESSMENT

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NAME: RUNGE HELEN + NUMBER: 660472 MR #: 056096  
SEX: F AGE: 88 TYPE: GP ROOM#: 315  
ADMIT: 10/07/03 DISC.: 00/00/00 DATE OF BIRTH: 08/03/1915  
PHYSICIANS: 085000 RATCLIFFE, ROBERT R MD

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DATE: 10/09/03

TIME: 1400 HOURS

ADMISSION:  
Voluntary

SOURCE OF INFORMATION:  
Patient and the intake form

PLACE:  
Geropsych

PSYCHAIATRIC ASSESSMENT:

1. Age, Sex, Place of Origin: This is an 88 year old widowed or divorced female, unknown at this time. Date of birth was 8/03/15.

2. Chief Complaint: "Don't know why I am here, I am alright."

3. Present Illness (onset, circumstances leading to admission): This is an 88 year old female, she was living at home with her daughter and had been since about April of this year. She had become progressively more suspicious and paranoid, thinking that people were stealing from her, became angry at the daughter, constantly yelling at the daughter. The daughter felt that she could not manage her at home or that she needed this behavior evaluated and treated. It should be noted that this patient has a fairly long history suggestive of secretiveness and paranoid, not trusting of other people. She was living in the Boston, Mass. area and her exact living situation for the last several years is unknown. She and the daughter who now lives in Columbus has been more or less emotionally and physically separated for about 30+ years, when the daughter of the patient married someone that the patient did not approve of. At any rate, they did not see or deal much with one another. The patient wound up in a nursing home or psychiatric facility in Boston and the daughter down here was the only living relative and accordingly the daughter brought the patient down here when she was stabilized.



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PSYCHIATRIC ASSESSMENT

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4. Prior Psychiatric History: The psychiatric diagnosis up there was in Carney Hospital, Boston, Mass and she was apparently admitted in about 1/12/03 and discharged 1/22/03. At that point she was noted to be an 87 year old female with history of treatment of depression. She was evaluated at the ER and admitted. She was noted to be increasingly agitated and angry. She stated she left her room locked and that people were going in there and that papers were missing. At any rate, she was treated with Paxil and Zyprexa 2.5 mg hs with apparently some relief. She has not been on those medications recently and that may be part of the problem. The patient had a health care power of attorney while in Mass. He was a Mr. Kelly, whom the patient seemed to trust. At any rate, the patient was discharged on the 23<sup>rd</sup> of January 2003. The discharge meds were Zestoril, Aricept 5 mg po q/5 PM, Zyprexa 2.5 qhs. The diagnosis seemed to have been paranoid delusional disorder and early Alzheimer's dementia.

As noted above. She was admitted to a psychiatric hospital, The Carney Hospital from about 12 January to 23 January. Has a rather spotty work history. She had worked in the computer area of Eddison Company for 30 years, no legal problems known.

5. Family Psychiatric History: None

6. History of Drug/Alcohol Use: None

7. Medical History: The patient had no recent chronic illness, no known injuries. No known drug allergies.

8. Premorbid Functioning (Place of residence/social/educational/vocational)  
The patient apparently had high school education.

MENTAL STATUS EXAMINATIONS:

1. Appearance: The patient was reasonably cooperative, somewhat angry with being here, somewhat demanding.
  - a. Dress/Grooming:
  - b. Facial Expression:
  - c. Notable Physical Characteristics:
  - d. Eye Contact:



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PSYCHIATRIC ASSESSMENT

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2. Attitude/general behavior Towards Examiner and Situation: She was alert.
3. Motor Behavior:
4. Speech:
5. Cognition:
  - a) Orientation: She scored a 24 out of 30 on the mini mental status exam. Affect overall somewhat irritable and demanding.
  - b) Immediate (working memory):
  - c) Ability to learn (encoding memory):
6. Attention:
7. Perceptual Abnormalities: No real bizarre thought elicited at this time but she certainly seemed somewhat guarded and suspicious. Neurological exam, cranial nerves II through XII grossly intact.
8. Thought Processes:
  - a) Form (Illegal, Fragmented, Impoverished):
  - b) Stream (blocking, Flight of Ideas):
  - c) Content ( Delusions, Obsessions, Phobias):
  - d) Suicidal or Homicidal Ideation, Intent or Potential:
  - e) Abstracting abilities (proverbs):
9. Intellectual Functioning (as evidenced by education, Vocabulary, fund of knowledge, capability of insight:
10. Affect:
11. Judgement/Insight:

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PSYCHIATRIC ASSESSMENT

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12.Assets (knowledge, interest, skills, aptitudes, experience, education, employment status, etc.): The patient can be pleasant, presumably has a daughter involved in her care. We will be evaluating the exact nature of this

DIAGNOSTIC IMPRESSION:

AXIS I:

AXIS II: Possible paranoid personality disorder.

AXIS III: We will be evaluating for this.

AXIS IV:

AXIS V:

JUSTIFICATION FOR ADMISSION:

Yelling, screaming, demanding, feeling the daughter and others were stealing from her.

ANTICIPATED LOS:

12 to 14 days.

DISCHARGE CRITERIA:

To have patient calm, cooperative, not suspicious, reasonable about placement and accepting the agreed upon level of placement she needs to be same.

INITIAL PLAN (strategies to deal with presenting problems, including special risk factors): Will monitor patient to see some of the delusional behavior and we will start the Zyprexa 2.5 mg back as this certainly seemed justifiable and effective.



ROBERT R. RATCLIFFE, M.D.

RRR:lo/2203

D: 10/09/03

T: 10/13/03